

Rent Watch Article 1 Familial Status

Q: Recently, another family's 13-year-old kid went up on the roof and threw a ball that ended up breaking a window. The next day, the property manager sent out a new rule that said that all kids have to be supervised by an adult when they're outside and can't play with balls. My kids have always played soccer outdoors without a problem, and this doesn't seem fair.

Can the property manager do that?

A: Fair housing laws protect families with minor children (familial status). Since familial status is a protected category, a housing provider cannot make overly restrictive rules directed at families with children. Blanket rules that require an adult to supervise children while playing outside and prohibit children from playing with balls may unduly limit the enjoyment of families with children. Thus, these rules may violate fair housing law.

Housing providers are allowed to have rules for safety in the lease about activities that may be dangerous. However, in any situation that may involve an unruly child, damage to the property, or the safety of residents, the housing provider must make sure they are specifically addressing the residents who were responsible for the incident. This approach means that the property manager has a responsibility to address the specific issue instead of creating a blanket rule that applies to all children at the property. For example, the housing provider could create a rule that "residents should not access the roof," keeping in mind that they direct this rule towards all residents and not just children. In this particular case, they could discuss supervision with the child's family but not make a rule requiring all children to be supervised while outside or prohibit children from playing with balls.

For more information about how fair housing law protects families with children, call Project Sentinel at 1-888-324-7468 or email us at info@housing.org.

Q: I have been renting from an HOA for years now, and some new HOA members joined the board. They sent out a newsletter with a reminder fines or warnings will be issued if the common areas near our walkways are "unsightly." They listed things such as making sure toys are never left out, and chalk is washed away. I'm worried now since my two kids often draw with chalk and sometimes leave a few toys out on the grassy areas as they come in and out all day.

Can I get fined for this?

A: It is important to remember that HOAs are considered housing providers and must follow fair housing rules. Fair housing laws protect families with minor children (familial status). Since familial status is a protected category under fair housing law, this means that a housing provider cannot make overly restrictive rules directed at families with children.

Housing providers should not prohibit kids from playing in the common areas and should not fine their residents for their children using chalk or playing with toys in the common area. Housing providers can have rules directed at all residents about not obstructing walkways or leaving personal items for extended periods; however, this rule should be reasonable. You should not, for example, be fined for your child leaving toys in a common area while they go inside for a snack or for not immediately washing away their chalk drawings. For more information about how fair housing law protects families with children, call Project Sentinel at 1-888-324-7468 or email us at info@housing.org.