



# Open the Door to Fair Housing

## WHAT IS FAIR HOUSING?

The Fair Housing Act of 1968 was adopted to safeguard against illegal housing discrimination. The law protects a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination.

## WHAT IS COVERED UNDER FAIR HOUSING LAWS?

Fair housing laws cover nearly every stage of the rental process, including:  
Advertising, Screening, Leasing, and Tenancy

### *Advertising*

There are some exceptions to the fair housing laws with regards to:

- Homes in which the landlord lives and rents to just one person
- Housing specifically intended for and occupied by senior citizens
- Single-room occupancy developments

### *Leasing*

### *Screening*

In order to allow individuals with physical and mental disabilities full and equal access to housing, in most cases:

- Landlords must make "reasonable accommodations" in rules, policies, practices, or services for their tenants with disabilities, if requested
- Landlords must allow tenants with a disability to make "reasonable modifications" to a dwelling or building, if the tenant pays for the changes
- The tenant must restore the premises to the original condition after vacating the unit

### *Tenancy*

A landlord may decide not to rent to an applicant, as long as the same standards are applied to everyone, when:

- The available unit is too small for the proposed number of tenants
- The applicant's income does not cover the rent
- The applicant has a poor credit history
- The applicant has an unfavorable rental history



**FAIR HOUSING**

## WHAT IS CONSIDERED UNLAWFUL DISCRIMINATION?

State and federal fair housing laws protect against discrimination in housing on the basis of the following protected categories:

**RACE/ETHNICITY** *"You wouldn't feel comfortable in this neighborhood"*  
*"I don't rent to you people"*

**NATIONAL ORIGIN** *"I don't think you will fit in here with your accent"*

**RELIGION** *"People who have no religion have no morals"*

**GENDER** *"Where's your husband?"* *"There is an additional*

**FAMILIAL STATUS** (children) *"This is an adult building" security deposit per child"*

**DISABILITY** *"No pets allowed - not even your seeing-eye dog"*

**SEXUAL ORIENTATION** *"You won't like it here - there aren't any other couples of your kind"*

**SOURCE OF INCOME** *"We don't take people on SSI"* *"We don't rent to migrant workers"*

**AGE** *"We don't rent to anyone under 30 years old - they make too much noise"*

**MARITAL STATUS** *"We don't rent to unmarried couples"*

**OPERATION OF LICENSED HOME DAY CARE** *"Your day care will cause excess*

*"Kids in day care make too much noise" liability for apartment owners"*

**ARBITRARY CATEGORIES THAT ARE UNRELATED TO THE RESPONSIBILITIES OF A TENANT** (such as personal appearance, political affiliation, or belonging to organizations)

*"We don't rent to motorcycle riders"*

*"We don't rent to Pro-Choice advocates"*



*If you have any questions about your rights and responsibilities under the fair housing laws, please contact:*

**Asian Law Alliance**  
184 Jackson Street  
San José, CA 95112  
408.287.9710  
[www.asianlawalliance.org](http://www.asianlawalliance.org)

**Bay Area Legal Aid**  
2 W. Santa Clara St., 8th Floor  
San José, CA 95113  
408.283.3700  
[www.baylegal.org](http://www.baylegal.org)

**Fair Housing Law Project**  
111 W. St. John Street  
Suite 315  
San José, CA 95113  
408.280.2435  
[lawfoundation.org](http://lawfoundation.org)

**Legal Aid Society of Santa Clara County**  
W. Robert Morgan Legal Services Center  
480 N. First Street, P.O. Box 103  
San José, CA 95103  
408.998.5200  
[www.legalaidsociety.org](http://www.legalaidsociety.org)

**Project Sentinel**  
430 Sherman Avenue, Suite 308  
Palo Alto, CA 94306  
Toll Free - 888.324.7468  
[www.housing.org](http://www.housing.org)

**Tri-County Apartment Association**  
20863 Stevens Creek Boulevard  
Suite 250  
Cupertino, CA 95014  
408.873.1599  
[www.tcaa.org](http://www.tcaa.org)

**Santa Clara County Association of Realtors**  
1651 North First Street  
San José, CA 95112  
408.445.8500  
[www.sccaor.com](http://www.sccaor.com)

**City of San José Housing Department**  
408.277.3197  
[www.sjhousing.org](http://www.sjhousing.org)

