

# CHILDREN & FAIR HOUSING LAWS

**F**amilies with children have a right to live where they can afford to live. Housing discrimination against families with children is no longer legal in any state of our nation.

Title VII of the Civil Rights Act, the Fair Housing Act of 1968, was amended in 1988 to include FAMILIAL STATUS as a protected class. Simply stated, familial status is one or more individuals who have not yet reached the age of 18 years residing with a parent or other person who has legal custody.

Protection also applies to any person who is pregnant or is in the process of securing legal custody of any individual under the age of 18 years. This means families cannot be denied housing of their choice simply because they have children.

## Examples of allowable exceptions for the exclusion of children from housing include:

- Everyone in the building is 62 years of age or older.
- 80% of the units have at least one occupant over the age of 55 and the building provides significant facilities and services to meet the needs of older persons.
- The building is part of a federal or state program that provides housing for elderly persons.

## DISCRIMINATION

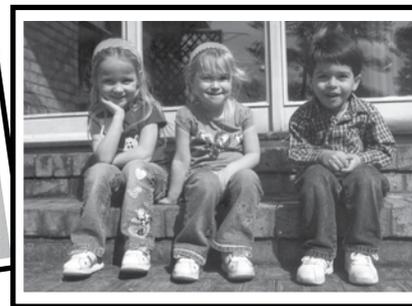
Discrimination is usually subtle. Landlords and real estate agents don't usually say, "We don't accept kids." Instead, you are likely to hear things like:

- "We take younger children, but teenagers will disturb the other tenants."
- "This complex isn't suitable for children. There is no playground or open space."
- "Sure we rent to families with kids, but we'll need an extra security deposit."
- "Only three people are allowed to a two-bedroom unit."
- "You have a boy and a girl so you'll need a three-bedroom apartment. This one only has two bedrooms."
- "Sorry a parent and a child cannot share a bedroom."
- "You're pregnant, so this one-bedroom apartment isn't big enough for you."

## SUGGESTIONS FOR SUCCESS IN RENTING TO FAMILIES WITH CHILDREN

- Rules should apply to specific actions and not to children only. For example: "No running in pool area."
- Rules must be based on legitimate and reasonable safety concerns or common courtesy. Rules must not make it unrealistic for families with children to reside there. For example: "All sidewalks and driveways must be kept clear of obstructions or safety hazards" would be considered reasonable.
- Specific problems which arise should be addressed one-on-one between the manager and the offending party.
- Families with children should not be limited to certain areas or floors of the complex or building.

A landlord **does** have the right to check the rental history of **all** housing applicants. The landlord **is permitted** to refuse to rent to a family with children if the applicant family has insufficient credit or poor references **as long as** the rental history/credit check is required for **all** housing applicants.



## IMPORTANT FACTS TO REMEMBER

- Families with children need a place to live just like everyone else.
- Under Federal and State law, it is illegal to discriminate against families with children on the terms, conditions, privileges, services or facilities in the sale or rental of housing.
- Beware of occupancy limits! Acceptable guidelines are based on square footage per person, such as 150 square feet for the first person and 100 square feet for each additional person.
- The law applies to prospective and current tenants. Persons should not be discouraged from renting, be turned down, or treated differently because they have children or are pregnant.

To find out more about Fair Housing Laws,  
please contact:

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# FAIRBORN GUIDE TO CHILDREN & HOUSING

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