



(image description: SouthCoast Fair Housing logo)

## **SouthCoast Fair Housing**



(image description: a smiling mixed-race couple holding a baby in front of a home sold sign)

## **FAIR HOUSING FOR FAMILIES WITH CHILDREN**

### **HOUSING DISCRIMINATION IS ILLEGAL**

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of *race, color, religion, national origin, sex, disability* or *familial status (presence of minor children or pregnancy)*.

The Massachusetts and Rhode Island fair housing statutes prohibit housing discrimination on the basis of these additional protected classes:

- age,
- veteran or military status,
- sexual orientation,
- gender identity,
- marital status,
- receipt of public assistance\* (e.g., food stamps)
- use of housing subsidy\* (e.g., Section 8)
- genetics\*
- status as a victim of domestic violence‡

\*Massachusetts only

‡ Rhode Island only

Fair housing laws apply to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners associations must not discriminate because of one's membership in a protected class.



(image description: Smiling Black family with two young children in a bright room)

## COMMONLY ASKED QUESTIONS & ANSWERS

What does the phrase “familial status” mean?

“Familial status” means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or written permission.

What actions does the law prohibit?

The law prohibits actions such as denying housing, limiting access to housing, discouraging home seekers, or creating different rules, fees or standards because the family has or is expecting a child/children.

Does this mean that a landlord must rent to or cannot evict any household with children?

No. A housing provider has the right to refuse rental applications or evict tenants based on objective criteria, such as credit history or bad tenant history. A housing provider should establish qualification standards and apply them equally to each household, whether or not it has children.

May a landlord make rules about how children should behave?

Reasonable rules are appropriate. Here are some general guidelines:

- Rules should apply to all tenants and not just children.
- Rules should address behavior, not status, and should not be so restrictive that families with children do not get equal use and benefit of the housing.

May a landlord decide which units are better for families with children?

No. Landlords must give applicants objective information about what units are available and allow applicants to determine which unit is suitable for their household.

May a landlord set limits on the number of occupants?

A housing provider has the right to establish reasonable occupancy standards. Some restrictive occupancy limits have the effect of discriminating against families with children. As a general guideline, any such limit should not be more restrictive than two persons per bedroom, and should consider the size and configuration of rooms and total livable space. A maximum of two persons per bedroom may be unreasonably restrictive depending on all the circumstances viewed as a whole. Rules allowing fewer than two persons per bedroom are presumed unreasonable.

Is there any type of housing that may prohibit families with children?

Communities that qualify for the “Housing for Older Persons” exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18. These communities must meet all the requirements of the exemption: In housing for persons 62 or older, every resident must be 62 or older; and in housing for persons age 55 or older, 80% of the units must have at least one person age 55 or older, and the community must meet other requirements, including completing surveys.

In some circumstances, the Fair Housing Act exempts owner-occupied buildings with no more than four units.

**IT IS ILLEGAL TO REFUSE TO RENT TO SOMEONE BECAUSE OF THE PRESENCE OF CHILDREN IN THE HOUSEHOLD**

If a housing provider refuses to rent or sell a covered unit, requires a higher security deposit, charges additional fees, limits the use of facilities, or limits families to particular floors or buildings, that could be

discrimination. **Housing discrimination is against the law. The only way to stop discrimination is to report it.**

## SIGNS OF POSSIBLE DISCRIMINATION

- Families with children are limited to certain buildings or to the first floor.
- Occupancy is limited to one person per bedroom.
- The housing provider refuses to sell, rent or show available housing after learning that you have children.
- The terms and conditions of a lease or agreement are different for families, such as lease terms that strictly limit children's activities on the property or charge a higher security deposit.
- Statements are made that the dwelling would not be suitable for your family, that your children won't be safe, or that the neighbors do not want you there.
- The availability changes between a phone contact and an in-person visit.
- Advertisements express a preference for singles or couples.

## **Fair Housing is Your Right!**

SouthCoast Fair Housing, Inc. (SCFH) works to eliminate housing discrimination and help develop inclusive communities throughout Rhode Island and southeastern Massachusetts. SCFH provides fair housing education, outreach, advocacy, and enforcement activities to ensure all individuals have equal housing opportunities.

For more information, to schedule a fair housing training, or to file a housing discrimination complaint, call (774) 473-9994 or (401) 285-2550, visit [southcoastfairhousing.org](http://southcoastfairhousing.org) or email

[info@southcoastfairhousing.org](mailto:info@southcoastfairhousing.org).



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For more information or to file a housing discrimination complaint, contact:

SouthCoast Fair Housing

257 Union Street  
New Bedford, MA 02740  
(774) 473-9994

1005 Main Street, Suite 1210  
Pawtucket, RI 02860  
(401) 285-2550

[SouthCoastFairHousing.org](http://SouthCoastFairHousing.org)

To contact us via TTY, using your TTY call 711, call MassRelay at 800-439-2370 (or 1-866-930-9252 for Spanish), or call Rhode Island Relay at 1-800-745-5555 (or 1-866-355-9214 for Spanish) and provide our phone number.

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