
CHILDREN & HOUSING GUIDE

**What You Should Know About
Children & Fair Housing Laws**



**Morgan County
Fair Housing**

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FAMILIES WITH CHILDREN

Families Have A Right To Live Where They Can Afford To Live

Housing discrimination against families with children is no longer legal in any state in the nation. Title VIII 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 defined as one or more individuals who have not yet reached the age of 18 years of age residing with a parent or other person having 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 of age. This means that families cannot be denied the housing of their choice simply because they have children.

Only the following are legal exceptions for the exclusion of children from housing:

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

Fair Housing Is A Right Protected by Federal and State Laws

Fair housing means you may freely choose a place to live without regard to:

- Race
- Color
- National origin
- Ancestry
- Gender
- Religion
- Physical or mental disability
- Familial status (the presence of children under the age of 18, or a pregnant female)



DISCRIMINATION AGAINST FAMILIES WITH CHILDREN

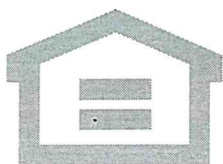
Phrases That Can Mean You Are Being Discriminated Against

Discrimination is usually an unclear remark. Landlords and real estate agents usually don't say, "**We don't accept children.**" Instead, you are more likely to hear:

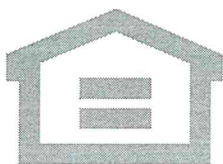
- We take younger children, but teenagers will disturb the other tenants.
- This complex isn't suitable for children. There's no playground or open space.
- For your child's sake, I think you'd be happier living someplace else.
- Sure, we rent to families with children, but we'll need an extra security deposit.
- Only three people are allowed in a two-bedroom unit. (see #3 below)
- You have a boy and a girl so you will need a three-bedroom apartment. This one has only two bedrooms.
- Children are only allowed in the basement and first floor units.
- Sorry, a parent and child cannot share a bedroom.
- We only allow one child per bedroom.
- You're pregnant, so this one bedroom apartment isn't big enough for you.

Four Important Facts To Remember

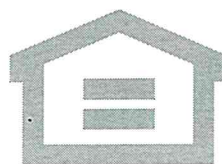
1. Families with children need a place to live just like everyone else.
2. Under federal and state law, it is illegal to discriminate against families with children on the terms, conditions, privileges, services or facilities in the sale or rental of housing.
3. **Beware of occupancy limits!** Acceptance 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.
4. The law applies to prospective and current tenants. Persons should not be discouraged from renting, be turned down, treated differently or evicted simply because they have children or are pregnant. However, material violations to a lease, such as destruction of property, may be grounds for eviction.



EQUAL HOUSING
OPPORTUNITY



EQUAL HOUSING
OPPORTUNITY



EQUAL HOUSING
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THE LANDLORD'S RIGHTS

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 bad credit or poor references. This is **only** if the rental history and/or credit check is required of **all** housing applicants.

Suggestions For A Landlord's Success In Renting To Families With Children

- Rules should apply to specific actions and not to children only.
For example: **"No running in hallways."**
- 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.
The following example would be considered reasonable:
"All sidewalks and driveways must be kept clear of obstructions or safety hazards."
 - Specific problems which arise should be addressed one-on-one between the landlord and the offending party.
 - Families with children should not be limited to certain areas or floors of the complex or building.

For more information please contact:



Morgan County Fair Housing

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This publication has been funded by a New Horizons Grant and administered by the Morgan County Commissioners Development Office.

This brochure is intended to provide general information only. Specific questions should be addressed to the above or an attorney.
