



HOUSING DISCRIMINATION BASED ON GENDER

What are fair housing laws?

In 1968, the federal government passed a law called the Fair Housing Act which prohibits landlords, real estate agents, home sellers, and banks from discriminating against people based on certain characteristics.

California has a very similar law, the Fair Employment and Housing Act (FEHA).

The original laws did not prohibit sex discrimination until Congress found that many home sellers and banks assumed that women could not buy homes on their own. In 1974, in an effort to prevent gender stereotypes, both laws were amended to prohibit discrimination on the basis of gender.

What is considered discrimination?

Landlords, real estate agents, home sellers, and banks cannot treat men and women differently. You cannot be refused an apartment, denied a loan, or subjected to different rules because of your gender. The law also prohibits sexual harassment, which is described below.

What is sexual harassment?

The law recognizes two types of sexual harassment: “quid pro quo” and hostile environment. “Quid pro quo” harassment is when a landlord demands sexual favors as a condition to your getting or keeping housing. Hostile environment harassment occurs when a landlord makes persistent or severe unwelcome sexual advances, such as lewd comments or touching. Both types of sexual harassment are illegal.

Can a landlord or bank have different income requirements for women?

No. A landlord or bank cannot require women to have higher incomes on the assumption that they will stop working during motherhood or on any other basis. Landlords, banks, and real estate agents must apply their standards equally to men and women.

Is it discrimination for someone to only rent to roommates of the same gender?

The laws against gender discrimination do not apply to situations where the landlord and renters will share a living space. A landlord could legally decide to only rent the rooms in her house to women, where the renters would be sharing the living room and kitchen. However, a landlord could not restrict who rented the other side of her duplex, because each unit is separate and does not share living space.

Can a landlord discriminate against someone for being transgender?

No, people who have changed their gender, through surgery or attire, are protected from discrimination. Read our flyer on “Arbitrary Discrimination” for more information.

Do the fair housing laws apply to all housing?

The laws against gender discrimination apply to all housing EXCEPT

- (1) a home in which the landlord lives and rents out only one room;
- (2) where the renters will be sharing a living space with the landlord;
- (3) single-sex dormitories at colleges or other educational institutions.

Some examples of discrimination:

“If you are nice to me, I’ll make sure you get the apartment.”

“Where’s your husband?”

“Isn’t your income going to go down when you have children?”

“I prefer to rent to women – they are quieter.”

“Hey, sexy lady, won’t you come over to my place?”

“You want your roof fixed? Well, all you have to do is go out on a date with me.”

“I want to rent to a man, so he’ll be able to make any repairs himself.”

“I’ll let you pay your rent late if you come over for drinks with me.”

What should someone do who has been discriminated against?

Call Project Sentinel at (408) 287-HOME (4663). Project Sentinel will investigate your complaint. After the investigation, the case may be referred to the lawyers at Fair Housing Law Project or Asian Law Alliance for assistance with an administrative complaint to the Department of Fair Employment and Housing, mediation, or litigation. You may also ask one of these three agencies to conciliate your complaint by reaching a settlement agreement with the housing provider.