



HOUSING DISCRIMINATION BASED ON MARITAL STATUS

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). FEHA, unlike the federal law, prohibits discrimination based on marital status.

What is “marital status”?

“Marital status” is whether you are married, separated, divorced, or single.

What is considered discrimination?

Landlords, real estate agents, home sellers, and banks cannot refuse to deal with you because of your marital status. They also cannot charge you higher rent, require a higher income, or impose different interest rates because of your marital status.

Can a landlord ask about an applicant’s marital status?

No. Landlords and real estate agents cannot ask questions about whether you are married or not. However, they can ask who will be living in the residence.

What if it is against a landlord’s religious beliefs to live together unmarried?

Landlords are not allowed to impose their religious beliefs on their tenants. All landlords, regardless of their religion, are forbidden from discriminating based on marital status.

Can landlords or banks have different income requirements for married and unmarried couples?

No. If a landlord requires that the household income is three times the rent, the landlord must include all members’ incomes regardless of whether or not they are married.

Can a landlord treat a same-sex unmarried couple differently from an opposite-sex unmarried couple?

No, but that would be discrimination based on sexual orientation, rather than marital status. Read our “Arbitrary Discrimination” brochure for more details.

Do these laws apply to all housing?

The fair housing protections for marital status apply to all housing EXCEPT a home in which the landlord resides and rents out only one room.

Some examples of discrimination to watch out for:

“Are you single?”

“I don’t believe that people should live in sin.”

“Where’s your son’s father?”

“Your girlfriend and you will each have to earn enough to afford the full rent.”

“Are you two related?”

“I can’t put both you and your boyfriend on the lease. What if you broke up?”

“We don’t give out loans to unrelated people.”

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.