



HOUSING DISCRIMINATION BASED ON RELIGION

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). Both prohibit discrimination on the basis of religion.

What is discrimination?

Under the fair housing laws, it is discrimination for a landlord, agent, seller, or bank to treat people differently depending on their religion. You cannot be refused an apartment or loan, held to different eligibility standards, or evicted because of your religion. It is illegal for a real estate agent not to show you properties in certain neighborhoods because of your religion.

How do the fair housing laws define religion?

Although the laws do not define religion, landlords are not permitted to discriminate against any faith or belief system. However, it is possible that religions based on racial discrimination, such as the Ku Klux Klan, would not be protected by the fair housing laws. Certainly, landlords are not allowed to treat applicants differently because they lack any faith or organized religion.

Can a landlord or agent ask about an applicant's religion?

No. It is illegal for a landlord, seller, agent, or bank to ask about your religion.

What if a landlord wants to rent out apartments to people of his or her own faith?

That is illegal. A landlord cannot impose his or her own religious beliefs on renters nor can the landlord treat applicants of his or her own faith differently from people of other faiths.

Can a landlord refuse to rent to someone who doesn't believe in God?

No. Landlords cannot differentiate based on an applicant's religion or lack of religion.

What if a church wants to limit residency in its retreat center to its own members?

The fair housing laws have an exception that allows a religious organization or a non-profit controlled by that organization, to limit occupancy in its buildings to members of the same religion. However, the residency in the buildings must have a purpose other than money-making. The laws also require that, in order to use this exception, the religion cannot restrict membership on the basis of race, color, or national origin.

Do the fair housing laws apply to all housing?

The laws against religious discrimination apply to all housing EXCEPT

- (1) a home in which the landlord resides and rents out only one room;
- (2) buildings operated by a religious organization for other than a commercial purpose, unless the religion is racially exclusive.

Some examples of discrimination:

“What church do you go to?”

“I feel more comfortable with other Jews.”

“People who have no religion have no morals.”

“Are you interested in joining the Church of Christ?”

“Are you religious?”

“You probably wouldn’t like this neighborhood – it is very Catholic.”

“I hold a prayer meeting every Sunday. Is that something you’d be interested in?”

“How do I know you’ll be reliable if you don’t believe in the word of God?”

“Don’t sell your house to those Jehovah’s Witnesses – they’ll bring the neighborhood down.”

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.