

Fair Housing For Families with Children

For rent: 2 bdrm apt., ht & water paid, \$495/mo., \$400 deposit. No pets, no kids. 555-1234

What's wrong with this advertisement? This wording used to be very familiar in our daily newspaper ads. But the federal Fair Housing Amendments Act was passed in 1988, making it illegal to refuse to rent or sell property to families because they have children. In 1992, the Iowa Civil Rights Act was amended to also prohibit discrimination against families with children.

The law defines a family with children as follows:

- One or more individuals under the age of 18 living with a parent, or with a person having legal custody
- A designee of such parent or legal guardian
- Persons who are expecting a baby or who are seeking legal custody of a child.

Protected Housing Rights

“Adults only” communities are generally not allowed. This applies to apartment complexes, mobile home parks, condominiums, or other residential developments. Even if a residential community has operated under “no children” rules in the past, it is now illegal to do so. The only exception would be housing designated for older persons (see “exceptions” below).

Families with children may not be segregated in certain buildings, or in certain areas or floors of the complex. Families may not be restricted from upper floors because of safety concerns. The safety of the children is the parents' responsibility, and the parents determine whether the unit is suitable for their family.

The number of occupants in a unit may not be unreasonably restricted so that families with children are discriminated against. Landlords may not require that children of opposite sexes be provided separate bedrooms. (see “Occupancy Standards” section below)

Landlords may not charge higher rents or deposits for families with children. Landlords should not charge additional fees per person, unless the landlord pays the utilities and there is a reasonable correlation between the fees and the actual costs of the utilities.

Landlords should be aware of policies and rules that could have an adverse impact on families with children. While there may be safety and liability concerns that govern rules for the use of such facilities as a spa or pool, rules which severely limit the participation of children in the use of property or amenities could be viewed as discriminating against families with children.

Exceptions

Housing units may be exempt from the familial status provisions of the law, if the housing meets one of the following criteria:

- Housing for older persons under a state or federal program specifically designed and operated to assist older persons
- All units in a complex are occupied by persons 62 or older
- Persons age 55 or older occupy 80% of the units in the complex, and management publishes and adheres to policies that demonstrate an intent to provide housing for persons age 55 or older.

Prohibitions against discrimination based on race, color, creed, sex, sexual orientation, gender identity, national origin, religion, and physical or mental disability still apply to any housing which falls under these exceptions.

ICRC FactSheet

Occupancy Standards

Landlords may set reasonable occupancy standards for housing units, but landlords may not set standards stricter than the local housing code. If a locality does not have an occupancy code, the current guideline of the U.S. Department of Housing and Urban Development (HUD) is two persons per average-sized bedroom, taking into consideration the size and configuration of the unit as a whole. The standard is based on “person,” not on whether the person is an adult or a child, male or female.

Landlords may limit a one-room efficiency apartment to one person.

Mobile home parks may not set a limit of a certain number of persons per lot. The occupancy standard should be based on the number and size of the bedrooms in the mobile home. An exception could be made if the mobile home park can show that their service systems, such as water and sewer, cannot accommodate more residents.

Selecting qualified and responsible tenants

It is acceptable to rent to the best qualified applicant, using objective criteria, such as income, credit history, and landlord and personal references. But, each applicant must be looked at individually, rather than judging their qualifications as a member of a group.

Landlords should treat all applicants equally, providing the same accurate information to all who inquire. Tenants should be treated equally in all terms and conditions of tenancy.

Options for tenants who feel mistreated

Contact the Iowa Civil Rights Commission to find out about filing a housing discrimination complaint. A housing officer will assist you with information and will take the

information and prepare a complaint for housing situations. The Commission will also cross-file your complaint with HUD, under the federal law.

State law requires the complaint to be filed within 300 days of the discriminatory incident to be within the jurisdiction of the Commission.

You may file a complaint with HUD under the federal law within one year of the discriminatory incident. You may also initiate a civil action directly in district court not later than two years after the termination of the discriminatory housing practice.

There is no charge for filing a complaint. The Commission’s services are free to all who believe they have been discriminated against in Iowa.

The Iowa Civil Rights Commission receives and investigates complaints of discrimination in employment, housing, credit, public accommodations and education. If you believe you may have been treated unfairly in any of these areas, contact the Commission.

The Commission also provides educational materials on civil rights and discrimination, and has educational videos for loan. The education area of the Commission has Training Officers available to provide training sessions and to speak at workshops.

Iowa Civil Rights Commission

Grimes State Office Building

400 E. 14th Street

Des Moines, Iowa 50319

515-281-4121, 1-800-457-4416

FAX 515-242-5840

<https://icrc.iowa.gov/>

Have more questions? Call the Commission for consultation on discrimination issues and the complaint process. We're here to help!