

Fair Housing Protections for Families with Children

Fact Sheet #3



Federal and Indiana fair housing laws prohibit discrimination based on familial status throughout housing transactions. This is to ensure that households with individuals under the age of 18, in the process of obtaining custody of anyone under 18, or anyone who is pregnant, is treated equally with other home seekers and residents.

What are examples of familial status discrimination?

Examples of common forms of familial status discrimination include:

- **Refusing to rent or sell** a dwelling to a family with individuals under 18 years of age.
- **Falsely denying availability** of a rental home after learning a prospective tenant is pregnant and the sellers do not want children in the home.
- **Advertising** that states or implies that children or teenagers are unwelcome or unwanted in a housing community.
- Requiring that households with children comply with **terms and conditions** that are different from those of adult residents, such as not allowing families with children to live in second floor units.
- **Harassing, intimidating, or threatening** a family with eviction or lease nonrenewal because they are in the process of obtaining custody of a minor child.
- **Retaliating** against a family for exercising their fair housing rights.

Children-Specific Rules

Enacting rules that unfairly target or affect children or households with children is likely to violate fair housing laws. Examples include:

- Not allowing individuals under 18 to use neighborhood facilities, such as pools or clubhouses, that adults are permitted to use.
- Reserving timeslots when only adults can access community amenities.
- Having a curfew or "quiet hours" that only apply to those under 18 when there is no local ordinance mandating such.
- Enforcing an unreasonable numerical occupancy limit or a limit more restrictive than local or state code.
- Placing limitations on the gender of the children that can share bedrooms, i.e. boys cannot share the same bedroom as girls.
- Requiring households with minor children to pay higher rent or additional security deposits than residents without children.
- Requiring families with children to occupy units in a specific building or on a specific floor of a complex.

What about restrictions based on safety?

Rules and regulations for a community must apply to all residents equally. It is the parents' or guardians' decision to determine what property is most appropriate for their family, and they have the right to consider all units on a property, regardless of their familial status. To only present concerns about a unit with a balcony or a certain location to prospective tenants who have children is discriminatory. It may be reasonable to enforce any local code or product recommendations provided you do such in other areas. For example, allowing pool time without an adult at an age when someone can be a lifeguard or following the product recommendation for safe use by age on workout equipment.

What is familial status?

Familial status protects those with children under the age of 18 living with their parent(s) or legal guardian(s) from discrimination. This includes:

- adopted children;
- foster children;
- stepchildren; and
- anyone in the process of obtaining custody of a child under 18 years of age.

Protection also includes any person who is pregnant and discriminated against due to their pregnancy.

Possible violations of fair housing laws

Examples of discriminatory statements, rules, or advertising that could violate fair housing rights based on familial status:

- "No kids"
- "Adult(s) preferred"
- "Ideal for single professional"
- "Teenagers of opposite sex cannot share bedrooms"
- "Children can't use the pool"
- "Families with kids only allowed on the first floor"
- "\$1,000 base rent and a \$100 additional fee for each child"

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/familial-status/>

Or scan the QR code:





Advertising Best Practices

It is unlawful to state or imply that individuals under 18 are not welcome at a property. Advertising for “mature” or “professional” residents or otherwise deterring potential tenants with children from applying is also unlawful.

This is true of all forms of advertising, including:

- print (yard signs, flyers);
- online listings and social media posts;
- e-mails, phone calls, or text messages; and
- verbal comments.

Best Practice: Describe the property, not the people. It is permissible to advertise that a community is “family friendly” because this does not infringe on any other protected classes’ opportunity for housing. Properties that meet the requirements for senior housing may also advertise accordingly.

What should I do if I believe I’m a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

As a housing provider, can I...?

Tell my residents which bedrooms their minor children can share based on their ages or sex/gender?

- No, it is the decision of the parent/guardian who shares bedrooms and when they do so.

Enforce a rule that states no resident (including adults and children) is allowed to use skateboards around the property amenities?

- Yes, this is a rule applying to all residents, not just those with minor children.

Charge an additional security deposit because I’m worried the children will cause damage or be messy?

- No, this is adding a financial burden only on families with children. If you feel any resident is not meeting complex requirements, you have a right to conduct an inspection and hold the renter accountable, as long as similar inspections are done to residents without children as well.

When can a household with children be denied housing in favor of a single adult?

A landlord has the right to deny housing to any prospective tenant on objective criteria that is applied to all applicants. Examples include credit reports or tenant history, provided they do not have a disparate effect on families. However, if the sole reason someone is being denied is due to the presence of children, that is likely a violation of fair housing laws.

Does this only apply to rental housing?

Discrimination due to familial status is unlawful in all real estate transactions, including leasing, purchasing, lending, insurance, zoning, and advertising. It is also a violation of fair housing laws for neighbors or other members of the community to harass or otherwise imply that residents are unwelcome because of their familial status or for a lender to implement additional loan requirements just because someone may be pregnant. Requiring additional insurance due to the presence of a minor child could also violate fair housing laws.

Are there exemptions?

Qualified senior housing as established in the Housing for Older Persons Act (HOPA) has some exemptions related to families with children. This housing is typically characterized as “55 and older” or “62 and older” housing. However, government-based senior housing must allow qualified seniors who may have custody or guardianship of minor children. It is very important that housing established for older persons affirmatively advertise it as such and meet any other regulatory requirements before denying families with children. If it does not meet such requirements, it should be open to families with children.

Contact us!

If you are experiencing barriers to housing, including facing familial status discrimination, please reach out to the FHCCI:



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