Have you been a victim of housing discrimination?

Any form of housing discrimination against members of protected groups is illegal. Prohibited acts include refusing to rent, evicting, not renewing, denying an equal level of services, and any other tenant harassment. But while housing discrimination is a violation of federal, state and local law, it still occurs. To determine if you may have been a victim of housing discrimination, ask yourself the following three questions:

1. **Were you treated differently than other tenants or applicants?**

The following are landlord practices that are prohibited when targeted against a member of a protected class:

- Refusal to rent or discuss terms of renting
- Refusal to permit inspection
- Denial that housing is available
- Intimidation of someone who has tried to use his or her fair housing rights
- Intimidation of anyone who encouraged a person to use his or her fair housing rights
- Retaliation against someone who has tried to use his or her fair housing rights (see the Tenant Resource Center’s Landlord Retaliation brochure)
- Different, more strict lease terms
- Provision of different housing privileges
- Advertisement in a manner that indicates preferences or limitations
- Refusal to renew a lease
- Any other kind of harassment of a tenant

There is no law against a landlord being rude. If a landlord makes everyone’s repairs slowly or not at all, or refuses all applicants who have bad credit, then it is not discrimination. If your landlord singles you out for poor treatment, you still must show that the landlord treated you differently because of your status as a member of one or more of the following protected classes.

2. **Do you belong to a class that has protections under law?**

**Federal protected classes include:**

- race
- color
- religion
- sex
- national origin
- mental or physical disability
- familial status (including pregnancy).

**Wisconsin includes federally protected classes plus the following:**

- sexual orientation
- marital status
- age (over 18)
- lawful source of income.

**Madison and Dane County include federal and state protections plus the following:**

- type of military discharge
- arrest or conviction record (limited protections)
- physical appearance
- political beliefs
- student status
- victims of domestic abuse or other crimes (limited protections)
- refusal to disclose Social Security Number (City of Madison only).

Examples of people who are not protected under City of Madison, Dane County, state or federal law include but are not limited to: smokers, vegetarians, and people with pets that are not service or therapy animals. Local cities and counties might have additional protected classes or varying specifics.

For instance, the City of Madison also makes it illegal for landlords to discriminate solely on a “three times the rent” or minimum income standard. Landlords must disclose such standards in writing and accept applicants if they demonstrate evidence that they have paid an equal or higher proportion of rent successfully in the past (MGO 32.12(6)). See the Tenant Resource Center’s Minimum Income Requirements brochure.

Dane County forbids housing discrimination based on conviction record unless it presents a reasonable fear for safety of residents or employees (DCO 31.11(5)). City of Madison further includes arrest record and adds that discrimination is illegal if more than two years have passed since the tenant was placed on probation, paroled, released from incarceration, or paid a fine, and that the landlord must use a uniform written process for checking arrest and conviction records (MGO 3.23(4)).

In the City of Madison, a landlord may not deny housing or services due to the fact that the applicant has declined to disclose his or her Social Security Number when such disclosure is not compelled by state or federal law (MGO 3.23(4)(a) and 3.23(5)).

3. **Were you treated differently because of that protected class?**

For example, if a landlord refused to rent to you because you are female, an immigrant, Jewish, gay, African-American, a bartender, only 22 years old, divorced, have children, etc., that might be illegal discrimination.

Fair housing laws do not require landlords to rent to people in protected classes if there is a legitimate reason to deny their applications. Legitimate reasons include poor references or credit, a record of eviction, an incomplete application, or false information on an application.

Applications have one legitimate purpose: to give the landlord information about whether the applicant will be a good tenant (whether the tenants will take good care of the apartment, pay the rent and not disturb other tenants). If any question concerns age, sex, marital status or does not seem to serve a legitimate purpose, tenants may want to ask why the landlord needs the information. Landlords are allowed to ask:

- names of everyone applying to live in the unit
- places the tenant lived the past few years
- where tenants work and amount of income (in order to verify ability to pay)
- financial information about debt
- whether everyone is 18 or older.
How can landlords avoid discriminatory treatment?
Landlords should create a set of non-discriminatory procedures and follow them consistently regardless of what class the tenant belongs to. The fair housing laws impose a small burden on landlords, but have a huge impact on tenants.

Create procedures for showing rental units and follow them consistently.
Have a checklist of items to go over with each caller and person who is shown a rental unit.

Set up application criteria that will ensure that you accept good tenants.
Check prior landlord, employment and personal references and eviction records. Do credit checks. Review the application thoroughly for missing and inaccurate information. Follow this criteria and do not allow biases or any unrelated information to affect your decision.

Advertise the features of the apartment, not to whom you want to rent the apartment.
Avoid phrases like: “perfect for ...” Instead, describe the apartment itself and let prospective tenants decide if they are interested.

Treat all tenant complaints and requests in a consistent manner.
Set guidelines for handling repairs and tenant complaints. Follow them consistently. If you have any further questions, call the Tenant Resource Center or one of the listed agencies. For legal advice, consult a housing attorney.