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Are You a Victim of Housing Discrimination? What Renters Need To Know

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While no one likes to think about it, or believes it still exists, housing discrimination continues to be a very real problem. In today's real estate business, however, it is far less obvious than it was more than half a century ago, when many [people of color were barred from purchasing or renting homes](https://www.realtor.com/news/trends/racial-covenants-systemic-racism/) in certain neighborhoods and [women struggled to get mortgages](https://www.realtor.com/news/trends/untold-history-discrimination-against-women-seeking-mortgages/).

With that in mind, we have some tips on how to recognize modern-day housing discrimination.

If you've ever returned from a rental showing wondering if you've been discriminated against because the apartment is suddenly no longer available or you're told you'd be "happier" in a different neighborhood, keep reading.

For starters, the federal Fair Housing Act barred housing discrimination based on race, color, national origin, religion, sex (gender), familial status, and disability. This applies to all areas of housing, including renting, buying a home, and getting a mortgage. The act, which passed in 1968, with additional classes added through the decades, makes it illegal for a landlord to refuse to rent an apartment to someone because of their skin color, religion, or gender, or if they fall into one of the other protected classes.

Most recently, President **Joe Biden** issued an executive order that clarifies that sexual orientation and gender identity now fall under the definition of “sex.”

However, while housing discrimination is illegal against federally protected classes, it doesn't mean that it's no longer happening.

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Racial discrimination is often subtler than you'd expect

Racial discrimination can sometimes be expressed in the form of an almost imperceptible double standard. (Getty Images)

When we think about race and housing discrimination, it's easy to picture someone making an over-the-top remark or being overtly racist. However, **Pam Kisch**, executive director of the Fair Housing Center of Southeast & Mid Michigan in Ypsilanti, MI, says such remarks are relatively rare. Instead, the most common forms of racial housing discrimination are often much more subtle and, ultimately, more insidious.

"[Racial discrimination](https://www.realtor.com/news/trends/can-biden-end-racist-housing-discrimination/) (https://www.realtor.com/news/trends/can-biden-end-racist-housing-discrimination/) usually comes with a smile," she says. "You might hear someone say, 'You know, this is a very white area. You might not be happy here.' But the fact that they are mentioning your race at all makes it discrimination, plain and simple."

That said, she also notes that no comment needs to be made at all for discrimination to take place. In her experience, racial discrimination can sometimes be expressed in the form of an almost imperceptible double standard. This is similar to the unfair treatment that folks might face based on their skin color, national origin, and religion.

For example, a landlord might accept a white tenant with a credit score of 650, while passing over a tenant of color with a higher score.

Alternatively, landlords might tell a tenant of color that a listing has been filled at a time when they in fact are still taking applications from white renters. Or they might simply ghost the prospective tenant, to bring a halt to the application process.

The LGBTQ community might not realize that discrimination is illegal

Before 2021, it was legal in much of the country to deny housing to applicants based on their sexual orientation or gender identity. (Getty Images)

Protections were just added at the federal level for [lesbian, gay, bisexual, transgender, and queer individuals](https://www.realtor.com/news/trends/president-biden-housing-discrimination-lgbtq/) (https://www.realtor.com/news/trends/president-biden-housing-discrimination-lgbtq/) shortly after Biden took office last year. Before 2021, it was legal in much of the country to deny housing to applicants based on their sexual orientation or gender identity. Only 23 states, plus Washington, DC, and certain other cities, had protections in place that made it possible for members of the LGBTQ community to fight housing discrimination.

These federal protections are relatively recent, which might help explain why people are more hesitant to report instances of discrimination. They might not know of these practices and might not be sure whether help is available.

Still, according to Kisch, when this type of housing discrimination happens, it almost always happens in the same way. Typically, an apartment will be available for viewing until the landlord learns that the potential tenant is LGBTQ. At that point, the landlord will cancel the showing and say the unit is no longer available for rent, or make up some other excuse for why the application cannot proceed.

Women and families still suffer housing discrimination

Some landlords might not want to rent to pregnant women or even families. (Getty Images)

On the other hand, discrimination based on an individual's gender can be more overt. Some of Kisch's female clients have become victims of sexual harassment by male landlords. Alternatively, the landlord might not rent a unit to a single man or woman.

"Sexual harassment doesn't always have to be on-the-nose sexual advances," explains Kisch. "If the landlord shows up at your apartment or your house at all hours of the day and night, saying, 'Oh, I have to fix this drip' or 'I want to make sure that the repair I did last week is holding,' that's likely discrimination, as is using keys to come in without notice."

Some landlords might not want to rent to pregnant women or even families. In most cases, it is illegal to discriminate based on familial status, unless the landlord lives on the premises.

It's often illegal for landlords to refuse to accommodate disabled tenants

Under the Fair Housing Act, landlords are required to provide reasonable accommodations to meet the needs of individuals with physical or mental/emotional disabilities. (Getty Images)

Disability-related discrimination can sometimes take forms comparable to racial discrimination. While it might not involve any explicitly negative comment, thinly veiled suggestions that a property might not be suitable for a disabled tenant are common.

That said, disabled tenants also face another form of discrimination. Under the Fair Housing Act, landlords are required to provide reasonable accommodations to meet the needs of individuals with physical or mental/emotional disabilities. Potential accommodations might include allowing a service dog, even if the building doesn't typically allow pets, or accepting third-party payments.

By law, the landlord must also be willing to make reasonable modifications to a building in order to make it more accessible to those with physical disabilities. In this case, the modifications might include setting aside a designated handicapped parking space, putting in a wheelchair ramp, or installing grab bars in the shower.

Generally, a landlord must allow these accommodations and modifications as long as they are "reasonable" and necessary for the tenant to enjoy and use the premises," according to a [Fair Housing Guide for Tenants with Disabilities](https://www.nchfa.com/sites/default/files/page_attachments/RAGuide.pdf) (https://www.nchfa.com/sites/default/files/page_attachments/RAGuide.pdf).

However, tenants should be aware that they will typically be responsible for covering at least some of the costs of any modifications unless the housing is subsidized.

Additionally, the landlord can make a case for refusing to make these accommodations or modifications if they pose an "undue burden," either financially or fundamentally by altering the structure of the housing unit.

The bottom line on housing discrimination

Housing discrimination isn't always obvious. In fact, it rarely is. As a potential tenant, if you get the feeling that you're being treated unfairly, there's a good chance that you could be a victim of housing discrimination. In this situation, it's a good idea to trust your gut.

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