

Housing Happenings

HOUSING DISCRIMINATION

If you are looking for housing, you should know what your rights are, and what a landlord can or cannot ask you. You do not have to let a landlord know about your HIV status. You do not have to let a landlord know that you have a disability (HIV or any other disability). If you do not bring it up, a landlord cannot ask you about a disability.

WHAT TYPES OF DISCRIMINATION ARE ILLEGAL?

In Minnesota, no one can treat you differently in a housing situation because of your:

- Race
- Sex
- Color
- Disability
- Sexual Preference
- Getting Public Assistance (MFIP, GA, SSI, SSDI, etc.)
- Family Status (being pregnant or having kids)
- Marital Status (being single or divorced)
- Religion
- National Origin
- Creed (beliefs)
- Age

This law doesn't just apply to landlords. It also applies to neighbors, real estate brokers, mortgage lenders, and others. The law protects you whether you rent or own.

WHAT ARE COMMON EXAMPLES OF DISCRIMINATION?

Application Denials

- When you call on the phone, the apartment is available. But when the landlord sees the color of your skin, you are told it is "already rented."
- The landlord says you cannot rent if you are getting MFIP or welfare payments.
- You get rejected because you have a disability, even though your disability would not prevent you from following the terms of the lease.
- The landlord says "no kids". (This is legal when it is a seniors-only building or an owner-occupied building with four units or less).
- The apartment manager treats different applicants differently. For example, he tells welfare recipients they need an income equal to three times the rent, but he doesn't require that for working people.

Different Treatment

- The caretaker makes repairs for white tenants before helping tenants of color.
- The manager punishes lease violations more severely if they are by people of color.
- The landlord refuses to make a simple change in the rules of the building to allow a person who has a disability to live there successfully.

Harassment

- The caretaker pressures you to date him, and lets himself into your apartment.
- The security guard treats your visitors differently, because they are gay or lesbian.
- The neighbors try to force you out of the neighborhood with racial insults or threats.

IT MAY NOT BE DISCRIMINATION

A landlord cannot treat you differently, based on any of the reasons listed above. However, a landlord can have criteria that they use to accept or reject people applying for an apartment, if they have a strong business reason for doing so. They can reject you based on these criteria, as long as they use the same ones for every applicant. For example, a landlord may decide not to rent to you based on your past rental history, credit history or criminal history as long as everyone with the same rental, credit or criminal history is turned down.

REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change that a landlord makes in order to avoid discriminating against a person with disabilities. "Reasonable" means that it would not cost too much money or cause a major problem for the landlord. You have the right to ask for a reasonable accommodation if the change will help you to live in that unit. To get the accommodation, you must tell the landlord that you are disabled and explain what accommodation you need. For example, if you have a disability that makes it difficult to climb stairs you can ask to have a ground floor apartment as a reasonable accommodation.

WHAT CAN I DO?

If you are denied an apartment and you suspect discrimination, call for help immediately. Contact MAP legal services at 612-373-2426, or call your local legal aid office.

* Portions of this article excerpted from Community Legal Education Program of Mid-Minnesota Legal Assistance fact sheet #E9.

MAP Announces:

A HOUSING CONFERENCE - March 15, 2001

"Working Within Our Means: Finding Housing, Keeping Housing"
Earle Brown Center, St. Paul U of MN Campus. Scholarships available.
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