

RELIGION

Religious Discrimination in Housing

Finding the right home has long been part of the American dream. That dream should not be denied because of discrimination or harassment based on religion. The Fair Housing Act, which prohibits housing discrimination on the basis of race, color, religion, sex, national origin, disability, or familial status. These housing protections apply to discrimination in the sale or rental of housing, and also apply to the "terms and conditions" of the sale or rental of housing.

Thus, if people are permitted to put decorations on their apartment doors, religious individuals should be able to put religious items or decorations on their doors, such as a Jewish mezuzah or a cross. Similarly, when condominiums or apartments have a common room that can be reserved by residents for private activities like parties or book studies, residents seeking to hold a Bible study or other private religious activity may not be discriminated against.

What is discrimination?

Under the fair housing laws, it is discrimination for a landlord, agent, seller, or bank to treat people differently depending on their religion. You cannot be refused an apartment or loan, held to different eligibility standards, or evicted because of your religion. It is illegal for a real estate agent not to show you properties in certain neighborhoods because of your religion.

How do the fair housing laws define religion?

Although the laws do not define religion, landlords are not permitted to discriminate against any faith or belief system. However, it is possible that religions based on racial discrimination, such as the Ku Klux Klan, would not be protected by the fair housing laws. Certainly, landlords are not allowed to treat applicants differently because they lack any faith or organized religion.

Can a landlord or agent ask about an applicant's religion?

No. It is illegal for a landlord, seller, agent, or bank to ask about your religion.

What if a landlord wants to rent out apartments to people of his or her own faith?

That is illegal. A landlord cannot impose his or her own religious beliefs on renters nor can the landlord treat applicants of his or her own faith differently from people of other faiths.

Can a landlord refuse to rent to someone who doesn't believe in God?

No. Landlords cannot differentiate based on an applicant's religion or lack of religion.

What if a church wants to limit residency in its retreat center to its own members?

The fair housing laws have an exception that allows a religious organization or a non-profit controlled by that organization, to limit occupancy in its buildings to members of the same religion. However, the residency in the buildings must have a purpose other than money-making. The laws also require that, in order to use this exception, the religion cannot restrict membership on the basis of race, color, or national origin.

Do the fair housing laws apply to all housing?

The laws against religious discrimination apply to all housing EXCEPT
(1) a home in which the landlord resides and rents out only one room;
(2) buildings operated by a religious organization for other than a commercial purpose, unless the religion is racially exclusive.

Some examples of discrimination:

"What church do you go to?"

"I feel more comfortable with other Jews."

"People who have no religion have no morals."

"Are you interested in joining the Church of Christ?"

"Are you religious?"

"You probably wouldn't like this neighborhood – it is very Catholic."

"I hold a prayer meeting every Sunday. Is that something you'd be interested in?"

"How do I know you'll be reliable if you don't believe in the word of God?"

"Don't sell your house to those Jehovah's Witnesses – they'll bring the neighborhood down."