

PROTECTIONS AGAINST RELIGIOUS DISCRIMINATION UNDER THE FAIR HOUSING ACT FACTSHEET



WHAT IS FAIR HOUSING?

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related transactions because of race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, and disability. The Fair Housing Act prohibits housing providers from treating renters or homebuyers differently because of their religion or because they wear religious clothing or engage in religious practices and rituals. "Religion" includes both the practice and non-practice of religion, such as atheism, as well as religions that are outside the mainstream. Discrimination includes refusing to rent or sell, charging more, or offering different terms to someone because of his or her religion. Housing providers are prohibited from making discriminatory statements or publishing discriminatory advertising, as well as from making false statements about availability.

WHAT ARE PROHIBITED PRACTICES UNDER THE FAIR HOUSING ACT?

In the sale and rental of housing, no one may take any of the following actions based on someone's protected class, including race, color, religion, sex (including sexual orientation and gender identity), disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Otherwise deny a dwelling
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental

WHAT ARE EXAMPLES OF DISCRIMINATION BASED ON RELIGION?

- Harassing tenants because of their religious practices or dress.
- Refusing to rent to women who wear hijabs (religious headscarves) or Sikhs who wear turbans.
- Allowing tenants to put up Christmas lights, but telling others they cannot put up decorations for their non-Christian holiday.
- Telling tenant applicants that they will not like a neighborhood because there is not a mosque, synagogue, or church nearby.
- Prohibiting the use of a community room for religious purposes, while allowing it for secular gatherings, such as parties.
- Giving rental incentives or other preferences only to applicants of certain religions.
- Prioritizing applicants on waiting lists based on religion.
- Setting different rent costs for tenants based on their religion.
- Steering tenants of a particular religion to specific areas of a building.
- Prioritizing repair or maintenance requests based on a tenant's religion.
- Making exceptions to rules or offering amenities only to tenants of certain religions.
- Considering a tenant's religion before pursuing eviction.
- Advertising statements that suggest a particular religious group is preferred.
- Refusing to rent or sell based on someone's religion or religious beliefs.
- Allowing the display of decorations for one religion or religious holiday while refusing other religious displays.
- Failing to investigate or protect a resident from religious harassment.

COMMONLY ASKED QUESTIONS AND ANSWERS

- **Can I display religious items or symbols in my apartment or rental home?**
 - Tenants can display religious items or symbols in their units if they comply with reasonable safety and sanitation rules. If secular items are allowed, religious items should be permitted as well. Prohibiting the display of religious symbols or allowing only certain symbols can be considered discriminatory. Rules should be applied neutrally and without bias.
- **Can my landlord ask about my religious beliefs on my rental application?**
 - No, a landlord cannot ask about a tenant's religion on a rental application as it can lead to discriminatory practices. Such inquiries are generally considered a violation of the FHA.
- **Am I allowed to use candles or incense in my rental if it is a part of my religious practice?**
 - Yes, tenants can use candles and incense as part of their religious practice. However, landlords have the right to establish rules for tenants, including restrictions on the use of candles and incense, as long as these rules are applied consistently to all tenants and are not discriminatory.
- **Can housing advertisements specify a preferred religion?**
 - No, housing advertisements cannot specify a preferred religion. However, religious organizations or private clubs that provide housing to their members may give preference to persons of the same religion, provided they do not discriminate in their membership based on race, color, national origin, sex, disability, or familial status.
- **Are religious institutions covered by the Fair Housing Act?**
 - Housing owned or operated by religious organizations is generally subject to the Fair Housing Act, with limited exceptions. Housing can be reserved for individuals of the same religion for non-commercial purposes as long as there is no discrimination based on race, color, or national origin.
- **Are there religious exemptions to the the Fair Housing Act?**
 - Yes, there are some specific exemptions. Any religious organizations which has housing strictly reserved for members of religious organizations or private clubs may be exempt. However, discriminatory advertisement are not exempt, even if other exemptions apply.

HELPFUL TIPS FOR HOUSING PROVIDERS AND LANDLORDS

Accommodating Religious Practices: Landlords need to respect the religious practices of their tenants. For example, intentionally scheduling inspections or maintenance on days that are significant for tenants' religious observances, such as Saturdays for Orthodox Jewish families or Sundays for churchgoers, could be considered discriminatory.

Avoiding Religious Bias in Advertising: Landlords should be cautious about mentioning religious institutions or affiliations in rental advertisements, as this could suggest a preference for tenants of a particular faith and potentially lead to discrimination claims.

Keeping the Landlord-Tenant Relationship Professional: While giving gifts can be a nice gesture, it is also acceptable to maintain a strictly businesslike relationship with tenants without the need for gift-giving.

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