

FANTASY BUMPS INTO REALITY

By Judith I. Johannsen

The 150 year path to our current fair housing laws has been bumpy, storied, and paved with discriminatory incidents that today seem incomprehensible.

So, now, it's 2009 and we are enlightened - no one will ever be discriminated against again when trying to buy or rent and everyone will get the dwelling they want and can afford. After all, that discriminatory stuff happened a long time ago when we were just a bustling, burgeoning nation of uncivilized folk.

That would be a fantasy. The reality is that in housing transactions all people are not treated equally and discrimination has not been eradicated. The Archie Bunker mindset is alive and well and the examples that follow prove the point.

A landlord refused to rent to a single mother, exhorting "No kids!" This mother found another apartment that cost more per month - a fourth-floor walk-up that aggravated her knee condition - so they had to move again. This landlord had to pay \$19,200 to the mother and \$4,800 for attorney's fees because he discriminated on the basis of familial status.

A single African-American mother with a Section 8 voucher moved into an apartment that needed repairs. The landlord did not make the repairs so the mother reported the problem to the City's Department of Licenses and Inspections. The landlord made derogatory comments about her and her children in their presence and physically threatened them all. The mother stopped going to the same mosque as the landlord and he said he expected her to worship at his mosque. The landlord then complained that she was unmarried and pregnant.

The mother filed a complaint with the Commission on Human Rights and Opportunities and the landlord retaliated by trying to evict her, but told her she could stay if she dropped the complaints against him. This landlord hit the jackpot – he discriminated on the basis of lawful source of income, religion, marital status and sex and had to pay \$6,000 to the mother and \$25,296.44 in attorney's fees.

A prospective tenant and her family found a two bedroom apartment to rent, but the landlord would not accept her state-issued Security Deposit Guarantee for the security deposit. He said "if she doesn't have the money up front, she will be no good for me. I want cash money". The Security Deposit Guarantee Program is a DSS program that pays no money to a landlord, but guarantees to the landlord to cover up to two month's rent security deposit if there are damages or unpaid rent. Because rejecting this tenant was discrimination based on lawful source of income, the landlord had to pay \$5,000 to the tenant and agree to rent out the next available apartment to her.

Three male college students found a single family house they wanted to rent. The landlord wanted "a woman who would take care of the place", not college kids, so when the students were turned down for "insufficient documentation of income", they saw it as a pretext for the real reason – their age and sex. The landlord was ordered to pay \$7,000 to the students.

Many landlords attempt to discriminate against families with children by saying that children cannot live in second floor apartments because they could fall off the decks or out of windows; and, by the way, there are no first floor apartments available. Landlords take note - there is no prohibition on children living in apartments above the first floor.

To say that we, in 2009, no longer discriminate in housing is, unhappily, folly. The ugly fact is that some people just don't grasp that in a sale or lease housing transaction discrimination based upon race, color, sex, national origin, religion, familial status, disability, age, marital status, sexual orientation or lawful source of income is illegal.

Judith I. Johannsen is Assistant Counsel for the Connecticut Association of Realtors®, Inc.

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