

EXCUSES LAME AND HOLLOW

By Judith Johansen

We have all used excuses to justify our behavior, but some excuses are just plain lame.

Some examples include political appointees claiming non-payment of federal income taxes was merely an oversight, former New York City Mayor David Dinkins saying he hadn't committed a crime when he didn't pay his taxes, he simply failed to comply with the law, and MIT ROTC instructor Lt. Col. Wellman defended the military ban on gays by saying, "We don't necessarily discriminate. We simply exclude certain types of people."

If the type of exclusion used by the military were used when someone tried to buy or rent a place to live, that would have reeked of a housing discrimination practice and all kinds of heads should have rolled.

Now, if you're a seller or landlord rejecting certain types or classes of buyers or tenants, don't think for one moment that those you are denying don't see exactly what's going on. One Supreme Court Justice once remarked that even a dog knows whether he's been tripped over or kicked.

The effect of being discriminated against doesn't really register until it happens to you, so put the shoe on the other foot and try it on. It only has to happen once for you to get it - it's like a slap in the face and it's personal.

Imagine going to a party, standing on the front step and ringing the door bell. Someone opens the door, takes one look at you and then slams the door in your face. You ring the bell again and no one answers the door.

Imagine walking up to a sales counter with an item to buy and cash in hand and being told you can't buy it, but the person in line behind you can.

Imagine being a recent immigrant to the US and leaving a message for the fourth time on a landlord's voice mail for an apartment advertised for rent and never receiving a return call.

Imagine calling on a "For Rent" sign in a window and being told the apartment was just rented. Two, three and four weeks later the sign is still in the empty apartment's window and when you call again, the landlord says it is still unavailable.

Imagine being a college graduate with a good income and being rejected for a rental because you have a child. The landlord says that children are not allowed to live in second floor units and, unfortunately, there are no first floor units available.

Imagine having a PhD, excellent credit and glowing references and flying in from Chicago for the weekend to rent a place to live before beginning your new job. You find a unit that has sat empty for 18 months and you want to rent it for three years. You ask if the landlord wants to meet before you fly home, but he says no.

Once you are home the landlord asks for a face-to-face meeting so, he says, he can explain the keys and garage door opener. He also requires your retired husband's employment history, credit score and references. You tell him you can't fly to CT for a meeting, but would a phone conversation be okay? He says it won't. You ask if he is discriminating against you because you are black. He says no, but then takes his unit off the market.

Some argue that discrimination in housing is more about ignorance and apathy – the "I don't know and I don't care" defense - than willful and conscious exclusion, but sellers and landlords need to know that calling discrimination an "exclusion" does not magically make the act legal - it is what it is – unlawful discrimination under federal and state fair housing laws.

Sellers and landlords can reject potential buyers and tenants based on an inability to pay, bad credit and/or unfavorable references, but using hollow reasons to deny housing based on race, color, sex, age, national origin, religion, familial status, mental or physical disability, marital status, sexual orientation, or lawful source of income is well beyond lame, it is discriminatory and illegal.

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