

## THERE'S STILL A GAP BETWEEN THE DREAM AND REALITY

By Judith I. Johannsen

In Martin Luther King, Jr.'s 1963 "I Have A Dream" speech he said he had "a dream that one day this nation would ... live out the true meaning of its creed ... that all men are created equal" and that his "... children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." That famous speech took place almost 42 years ago and, despite layers of federal and state fair housing laws, there's still a gap between the dream and reality when it comes to housing.

**Dream:** A telephone caller with an accent left a message on a landlord's voice mail expressing interest in an apartment with a "For Rent" sign on it and advertised in the newspaper was called back and invited to view the apartment.

**Reality:** A telephone caller with an accent left a message on a landlord's voice mail expressing interest in an apartment with a "For Rent" sign on it and advertised in the newspaper neither received a call back from the landlord nor an invitation to view the apartment. The caller called six more ads for rental apartments and received no return calls.

**Dream:** A single, African-American mother of two pre-school children, a boy and a girl, fills out a rental application for a two bedroom, second floor apartment with a balcony and the landlord accepts them as the new tenants.

**Reality:** A single, African-American mother of two pre-school children, a boy and a girl, fills out a rental application for a two bedroom, second floor apartment with a balcony and is rejected because 1) a second floor apartment with a balcony is too dangerous for children because they might fall off the balcony and get hurt and 2) there are only two bedrooms and the two children of opposite sex cannot share the same bedroom.

**Dream:** On Monday, a Hispanic couple makes application to rent an apartment and the landlord accepts them as his new tenants. The couple pays the requested security deposit of \$1100 and they move in.

**Reality:** On Monday, a landlord accepts the offer of a couple through their Realtor® as new tenants for his apartment. On Tuesday, the landlord, upon learning that the couple is Hispanic, raises the agreed-upon \$1100/month rent and security deposit to \$1200.

**Dream:** A single, African-American father with a Section 8 voucher is accepted by the landlord as the new tenant and can move in next week.

**Reality:** A single, African American father with a Section 8 voucher makes application for a rental apartment but is rejected because the landlord refuses to accept Section 8.

The legal reality is that under the federal and our state's fair housing laws (with some specific exceptions), it is unlawful to discriminate in the financing, rental or sale of any housing based on race, color, religion, sex, national origin, disability (physical, mental or learning), familial status, marital status, age, lawful source of income or sexual orientation.

While discrimination in housing is illegal, it's not always obvious. Obvious is easy to spot. Obvious is saying to someone who is African-American that African-Americans are not allowed or telling someone who is Jewish or Buddhist that they are not welcome because of their religion.

Intended, calculated discrimination, on the other hand, can go unrecognized because the landlord's reason for rejecting a potential tenant seems logical. Being told that an apartment you want to rent has been rented but the landlord just forgot to remove the "For Rent" sign or a family of four is told that families with children must live on the first floor because of noise and, by the way, there are no first floor units available are reasonable-sounding explanations but can be exactly how illegal housing discrimination is practiced.

Discrimination based on race, even if determined only by a voice on a telephone, is illegal. Discrimination against families with children based on the pretext that a second floor balcony is unsafe for children or that opposite sex children must have separate bedrooms is illegal. Rejecting a potential tenant solely because s/he's a Section 8 voucher holder is illegal discrimination because Section 8 is a lawful source of income. Requiring a minority tenant to pay more monthly rent and/or security deposit than a non-minority tenant for the same living quarters because of race is illegal discrimination.

Fairness in housing means that all Americans have equal access to housing. If you believe you have experienced discriminatory and unfair treatment in your attempt to buy or rent a home, contact the Commission on Human Rights and Opportunities ("CHRO") at 800-477-5737.

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