



Landlords have wide discretion when picking new tenants. However, there are certain restrictions. Federal and state law protects people from housing discrimination based on race, color, religion, sex, national origin, disability, and familial status. In addition, renters may have additional fair housing rights under local ordinances.

When deciding on a tenant, landlords may use criteria such as criminal history, credit rating, and financial stability. For example, a landlord has a right to ask for proof of income, such as paystubs or W2 statements. The landlord may refuse to lease to someone who will not provide such information.

On the other hand, factors such as a potential tenant's race or gender may not be taken into consideration. A landlord cannot refuse to lease to someone if they do not provide this information or make a decision based on this information.

### Fair Housing Requirements

Under the U.S. Fair Housing Act and Texas Fair Housing Act, no one may take any of the following actions in the sale and rental of housing or in mortgage lending based on race, color, religion, sex, national origin, disability or familial status.

### It is illegal for anyone to:

Under the U.S. Fair Housing Act and Texas Fair Housing Act, no one may take any of the following actions in the sale and rental of housing or in mortgage lending based on race, color, religion, sex, national origin, disability or familial status.

- Advertise or make any statement that indicates a limitation or preference based on race, religion, color, sex, national origin, disability or familial status. This prohibition against discriminatory advertising applies to all housing including single-family and owner-occupied housing that is otherwise exempt from the Texas Fair Housing Act
- Harass, coerce, intimidate, threaten or interfere with anyone exercising a fair housing right or assisting others who exercise their fair housing rights



## Illegal Actions in the Sale and Rental of Housing

Under the U.S. Fair Housing Act and Texas Fair Housing Act, no one may take any of the following actions in the sale and rental of housing or in mortgage lending based on race, color, religion, sex, national origin, disability or familial status in the sale and rental of housing:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Advertise housing to preferred groups of people only
- Show apartments or homes in certain neighborhoods only
- Say that housing is unavailable for inspection, sale or rental when in fact it is available
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Deny access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing
- Refuse to make certain modifications or accommodations for persons with a mental or physical disability

## If a Person Has a Disability

If a person has a physical or mental disability that substantially limits one or more major life activities, has a record of such a disability or is regarded as having such a disability, that person is legally protected against housing discrimination based on that disability. Protection against housing discrimination due to a disability also applies for a person associated with you.

A landlord may not:

- Make an inquiry to determine if an applicant for a dwelling, or a person intending to reside in the dwelling, or any person associated with that person has a disability.
- Refuse to let the tenant make reasonable modifications to the dwelling or common use areas, at the tenant's expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if the tenant agrees to restore the property to its original condition when the tenant moves.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary so that the disabled person may have equal opportunity to use and enjoy the housing, including public and common-use areas. For example:
  - In a building with a "no pets" policy, a visually-impaired tenant must be allowed to keep a guide dog.
  - At an apartment complex that offers tenants ample, unassigned parking, management must honor a request from a mobility-impaired tenant for a reserved space near their apartment if necessary to assure they can have access to the unit.



### When Familial Status Protections Are Available

Unless a building or community qualifies as housing for older persons, the owner or manager may not discriminate based on familial status.

Protection against discrimination based on familial status applies to:

- Families in which one or more children under age 18 live with a parent
- A person who has legal custody of the child or children
- Designees of the parent or legal custodian, with parent or custodian's written permission
- Anyone securing legal custody of a child under age 18
- Pregnant women

### What are the protected classes?

Federal and Texas laws prohibit discrimination based on the following protected classes:

- Race
- Color
- Religion
- National Origin
- Sex
- Disability (meaning a "physical or mental impairment which substantially limits one or more of [a] person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.")
- Familial Status.

For San Antonio residents, additional protections include marital status, sexual orientation, gender identity, age, source of income for veterans, and status as a student.