

A landlord may verify this information by calling past landlords and employers or by checking your credit report. If the landlord requests permission to do a credit check, he or she may get your report from a credit bureau.

For more information about housing discrimination or to file a complaint, call the following agencies:

City of Madison Equal Opportunities Commission
(608) 266-4910

Outside the City of Madison, check the internet or a phonebook for a similar Equal Opportunities Commission in your area.

Fair Housing Centers (877) 647-3247

Dane Co. Corporation Counsel (608) 266-4355

Wisconsin Equal Rights Division (608) 266-3131

Wisconsin Consumer Protection (800) 422-7128

Federal Dept. of Housing and Urban Development (HUD), Chicago (800) 765-9372

Denied Applicant's Right to Know

All landlords in Dane County, including the City of Madison, must include the following language in written rental applications: "Do you wish to receive a written explanation of a denial of tenancy? Yes ___ / No ___." If an application is denied and the applicant checked "yes," the landlord must provide the written explanation within 10 business days. The rejected applicant may also make a separate written request for an explanation, which must be received by the landlord within 10 days of the denial (DCO 31.24).

In addition, Madison General Ordinance 32.08(5) requires all landlords to provide written reason for denial, under all circumstances, within three days of a denial of an application. The only situation in which a City of Madison landlord would not have to provide a written explanation would be if the applicant had checked "no" on the rental application. (If a landlord fails to make a decision within 21 days of receipt of an application, the applicant is considered denied.)

How can landlords avoid discriminatory treatment?

Landlords should create a set of non-discriminatory procedures and follow them consistently regardless of what class the tenant belongs to. The fair housing laws impose a small burden on landlords, but have a huge impact on tenants.

Create procedures for showing rental units and follow them consistently.

Have a checklist of items to go over with each caller and person who is shown a rental unit.

Set up application criteria that will ensure that you accept good tenants.

Check prior landlord, employment and personal references and eviction records. Do credit checks. Review the application thoroughly for missing and inaccurate information. Follow this criteria and do not allow biases or any unrelated information to affect your decision.

Advertise the features of the apartment, not to whom you want to rent the unit.

Avoid phrases like: "perfect for" Instead, describe the apartment itself and let prospective tenants decide if they are interested.

Treat all tenant complaints and requests in a consistent manner.

Set guidelines for handling repairs and tenant complaints. Follow them consistently. If you have any further questions, call the Tenant Resource Center or one of the listed agencies. For legal advice, consult a housing attorney.



The **Tenant Resource Center** is a non-profit, membership organization dedicated to promoting positive relations between rental housing consumers and providers throughout Wisconsin. By providing information and referrals, education about rental rights and responsibilities, and access to conflict resolution, we empower the community to obtain and maintain quality affordable housing.

Discrimination in Rental Housing



Tenant Resource Center

1202 Williamson St. #102, Madison, WI 53703
9:00 a.m. – 6:00 p.m., Monday – Friday
www.tenantresourcecenter.org

Rental Rights (608) 257-0006
asktrc@tenantresourcecenter.org

En Español (608) 237-8913

Toll-free (877) 238 RENT (7368)

Mediation (608) 257-2799

Business Line/TTY (608) 257-0143

Tenant Resource Center Campus Office

Student Activity Center
ASM Office - Room 4301
(608) 561-3727
uw@tenantresourcecenter.org

Housing Help Desk

1819 Aberg Ave. Room 2
Madison, WI 53704
(Dane County Job Center)
(608) 242-7406, 10:00 a.m. – 2:00 p.m.

If you need an interpreter, materials in alternate formats, or other accommodations, call our office at (608) 257-0143.

No part of this brochure should be regarded as legal advice or considered a replacement of a landlord's or tenant's responsibility to be familiar with the law. If you need legal assistance, seek the services of a Wisconsin housing attorney.

NOTE: New law SB107 will change some local laws. These laws are indicated by **bold** or ~~stricken through~~. These laws may or may not affect you depending upon when the law is signed and when the lease went into effect.

Have you been a victim of housing discrimination?

Any form of housing discrimination against members of protected groups is illegal. Prohibited acts include refusing to rent, evicting, not renewing, denying an equal level of services, and other tenant harassment. But while housing discrimination is a violation of federal, state and local law, it still occurs. To determine if you may have been a victim of housing discrimination, ask yourself the following three questions:

1. *Were you treated differently than other tenants or applicants?*

The following are landlord practices that are prohibited when targeted against a member of a protected class:

- Refusal to rent or discuss terms of renting
- Refusal to permit inspection
- Denial that housing is available
- Intimidation of someone who has tried to use his or her fair housing rights
- Intimidation of anyone who encouraged a person to use his or her fair housing rights
- Retaliation against someone who has tried to use his or her fair housing rights (see the Tenant Resource Center's Landlord Retaliation brochure)
- Different, more strict lease terms
- Provision of different housing privileges
- Ads that indicate preferences or limitations
- Refusal to renew a lease
- Any other kind of harassment of a tenant

There is no law against a landlord being rude. If a landlord makes everyone's repairs slowly or not at all, or refuses all applicants who have bad credit, then it is not discrimination. If your landlord singles you out for poor treatment, you still must show that the landlord treated you differently **because of your status** as a member of one or more of the following protected classes.

2. *Do you belong to a class that has protections under law?*

Federal protected classes include:

- race
- color
- religion
- gender
- national origin
- mental or physical disability
- familial status (including pregnancy)
- age (18 and over)

Wisconsin includes federally protected classes plus the following:

- sexual orientation
- marital status
- ancestry
- lawful source of income
- victims of domestic abuse or other crimes

Madison and Dane County include federal and state protections plus the following:

- physical condition, mental illness and handicap
- type of military discharge
- ~~arrest or conviction record (limited protections)~~
- physical appearance
- gender identity
- domestic partnership status
- genetic identity (City of Madison only)
- political beliefs
- student status
- receipt of rental assistance (Section 8)
- marital status of person maintaining household
- ~~disclosure of Social Security Number~~
- citizenship status (City of Madison only)
- ~~minimum income requirements~~

Examples of people who are **not protected** under City of Madison, Dane County, state or federal law include but are not limited to: smokers, vegetarians, and people with pets that are not service or therapy animals. Other local cities and counties might have additional protected classes or varying specifics, so check your local fair housing ordinances.

~~Dane County forbids housing discrimination based on conviction record unless it presents a justifiable fear for safety of residents or employees (DCO 31.11(1)(e)). City of Madison further includes arrest record and adds that discrimination is illegal if more than two years have passed since the tenant was placed on probation, paroled, released from incarceration, or paid a fine, and that the landlord must use a uniform written process for checking arrest and conviction records (MGO 39.03(4)(d)(4)). Laws are different for sexual offenders.~~

~~In Dane County and the City of Madison, a landlord may not deny housing or services due to the fact that the applicant has declined to disclose his or her Social Security Number when such disclosure is not compelled by state or federal law (DCO 31.15 and MGO 39.03(4)).~~

3. *Were you treated differently because of that protected class?*

For example, if a landlord refused to rent to you because you are female, an immigrant, Jewish, gay, African-American, only 22 years old, divorced, have children, etc., that might be illegal discrimination.

Fair housing laws **do not** require landlords to rent to people in protected classes if there is a legitimate reason to deny their applications. Legitimate reasons include poor references or credit, a record of eviction, an incomplete application, or false information on an application.

Applications have one legitimate purpose: to give the landlord information about whether the applicant will be a good tenant (whether the tenants will take good care of the apartment, pay the rent and not disturb other tenants). If any question concerns age, sex, marital status or does not seem to serve a legitimate purpose, tenants may want to ask why the landlord needs the information. Landlords are allowed to ask:

- names of everyone applying to live in the unit
- places the tenant lived the past few years
- where tenants work and amount of income (in order to verify ability to pay)
- financial information about debt
- whether everyone is 18 or older.