

Know Your Rights: Housing and Tenants

Members of the Muslim, Arab, and South Asian (MASA) communities experience discrimination by landlords and property owners.

The law protects you from racial, ethnic or religious discrimination and gives you ways to file complaints with the government.

If your landlord does not make repairs to your apartment or house, there are laws that give you rights as a tenant.

And if your landlord wants to evict you, you should also know your rights in these situations.



What is discrimination?

Discrimination is **treating you differently because of who you are**, such as your race, religion, sex, or nationality.

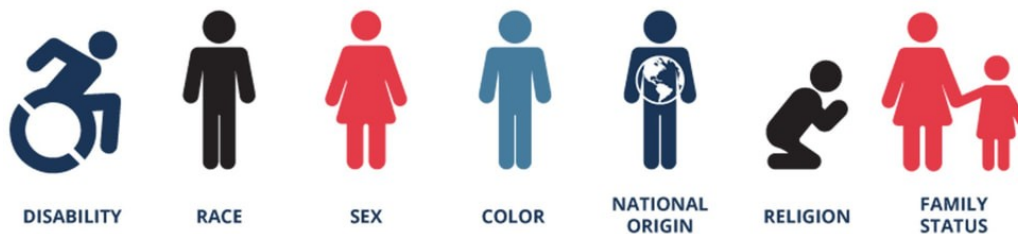
- If someone refuses to rent an apartment to you **because you are Muslim or because of your national origin**, that is illegal discrimination.
- If your landlord doesn't make repairs **because you are from the Middle East, South Asia, or Africa or because you are Muslim**, that is illegal discrimination.
- If a landlord doesn't want you to live in their building **because you are pregnant or have children**, that is illegal discrimination.

All of these actions are against the law.

What are the laws that can protect me from housing discrimination?

There are two laws in particular: in the federal government, there is the **Fair Housing Act (FHA)**, and in New Jersey, there is the **Law Against Discrimination (LAD)**.

FAIR HOUSING ACT



What does the federal law say?

The federal **Fair Housing Act (FHA)** protects people from discrimination when they are renting, buying, or selling housing. This law was passed during the civil rights movement, and is **designed not just to stop discrimination, but to reverse it.**

The FHA prohibits discrimination based on race, color, national origin, religion, sex, familial status (whether you have children), or disability.

If you have a disability, you also have the right to ask for certain changes to your housing to make it easier and safer to live in. These are called “reasonable accommodations.”

These are the kinds of discrimination that are prohibited under the FHA:



Refusing to **sell, rent, or provide housing assistance** to you



Refusing to provide you with **loans or financial assistance**



Asking you to meet **different terms or conditions** for renting or purchasing a property—including application criteria, interest rates, or fees



Providing you with **different facilities** than the ones provided to other people



Failing or delaying to make repairs (sometimes bad landlords just don't make repairs—and it may or may not be related to discrimination)



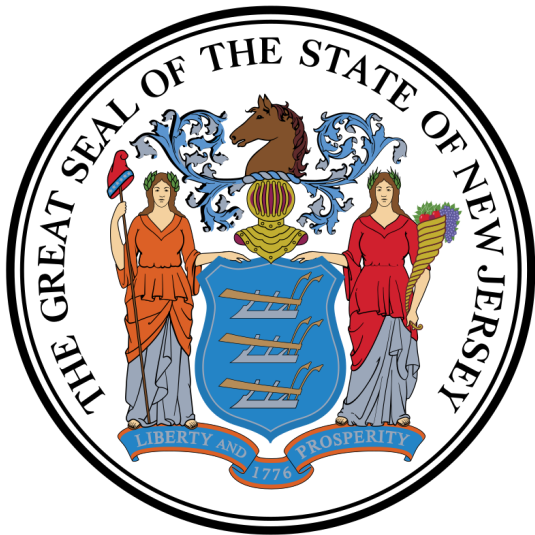
Harassing you, such as an act of **sexual harassment**. For example, a property manager cannot evict you after you refuse to perform sexual acts, and cannot create a hostile environment, for example by making inappropriate comments about your body



Preventing you from exercising your Fair Housing Act rights, or **retaliating against you** for exercising them

What does the New Jersey law say?

The **New Jersey Law Against Discrimination (LAD)** prohibits harassment or discrimination when selling or renting property in New Jersey. The law covers owners, agents, employees, and brokers, and makes it **illegal to refuse to rent, show or sell property** based on things like race, religion, sex, or whether you are pregnant.



The LAD also says you must be treated equally **no matter where you get your lawful income**, such as if you receive a salary, child support, or a subsidy through Section 8.

Landlords and sellers may not discriminate based on your sex, except if the property is only for individuals of one sex.

However, the LAD does not prohibit discrimination based on your age.

Here are some examples of discrimination that are outlawed by the LAD:

1. A **single mother with children**, unless the housing is specifically for older people
2. An individual with a **mental or physical disability**
3. A person who is **Muslim**
4. A person from a particular **country or race**

It is also **illegal to sexually harass you**, such as if a landlord makes unwelcome advances, either with their words or their actions.





Landlords can require you to submit an application with questions about your income, credit history, and debts, as long as **all applicants have to complete the same application and all tenants are selected based on the same standards**. The form must not refer to things like race, sex, or religion.

If someone discriminates against you...

You might be able to get help from the federal government or the state of New Jersey.

Federal Complaints

File a complaint with the **Office of Fair Housing and Equal Opportunity (FHEO)** within the **U.S. Department of Housing and Urban Development (HUD)**.



FHEO will investigate and try to help you and the other person reach an agreement. Otherwise, if FHEO finds that someone discriminated against you, **the federal government may force them to obey the law, such as by suing them**.

Find more details here:

https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

New Jersey State Complaints

File a complaint at a regional office of the **New Jersey Division on Civil Rights (DCR)**. The person you accuse will be required to file a response.

NJ Division on CIVIL RIGHTS

If the case moves forward an **Administrative Law Judge (ALJ)** will make a decision. The DCR then decides whether to adopt the ALJ's decision and findings, and **issues a final order**.

Mediation may be recommended at different stages of this process.

Find more details here:

<https://www.nj.gov/oag/dcr/filing.html>

Will the government help me?

The government is required to enforce the FHA, the LAD, and other laws. HUD must investigate and try to help you and the other person come to an agreement. If you can't agree and HUD believes they broke the law, it must charge discrimination. You can go to court or have a hearing before a HUD administrative law judge.

In practice, nonprofit fair-housing organizations like these take on the majority of federal complaints:

- **The Fair Housing Council of Northern New Jersey** (<https://fairhousingnj.org/>)
- **New Jersey Citizen Action** (<https://www.njcitizenaction.org>)
- **The New Jersey Citizen Action Education Fund** (<https://www.njcaef.org/>)

The **New Jersey Attorney General's office** can also take state-level complaints and initiate its own complaints.



What can I do if I am living in bad conditions?



The landlord must **maintain your building and make sure it is a safe place to live.** When something stops working like heating, the landlord has to pay to fix it. They also have to get rid of pests like mice.

If the landlord does not fix the problems you tell them about, **you can stop paying rent** until the problems are fixed, or you can **pay for repairs and then deduct** the expenses from future rents.

As a tenant **you have a responsibility to maintain some things**, such as not damaging any part of the building, and keeping the home clean and sanitary.

What happens when I am being evicted?

The **New Jersey Eviction Law** requires landlords to **give you a warning to leave** the premises by a certain date, or they will sue you in court. However, landlords do not have to warn you if you have not paid the rent.



How can I defend myself against eviction?

The most important thing you can do is hire a lawyer.

A landlord needs a judgment from the court to evict you. They cannot try other things like physically removing you, changing the locks, turning off the utilities, or taking your furniture outside.



If the landlord does one of these things, you might be able to **sue them for unlawful entry** onto your home. If you win, you can stay in the apartment.

It might not always be worth it for you to challenge an eviction. **If you lose**, you might have to pay for the landlord's court and attorney's fees. You could also receive a negative credit rating.

Where can I find more information?

The Center for Security, Race and Rights has a guide to filing federal and state complaints, as well as additional resources, at csrr.rutgers.edu

The Rutgers Law School Civil Justice Clinic represents individuals who cannot afford to hire a lawyer in a variety of housing cases. More information is available at law.rutgers.edu