

Exemptions to Fair Housing Requirements in Rental Housing

Federal and state Fair Housing laws apply to almost all rental housing, but there are some types of rentals that are exempted from the requirements. This means that owners and managers of such dwellings may refuse to rent to individuals who would otherwise be protected against such discrimination.

The following types of rentals and circumstances are exempted from the requirements of the Fair Housing Act:

- A single-family house rented by an owner as long as the owner does not own more than three single-family houses at any one time is exempt from the Fair Housing Act. This exemption applies only if the dwelling is rented 1) without the use of a real estate broker, agent, or the services of anyone in the business of renting dwellings; and 2) without publishing or posting any advertisement that would violate the Fair Housing Act (for example, an owner of one single-family house cannot advertise for only female renters or renters with no children.)
- Rooms or units in dwellings for no more than four families living independently of each other, if the owner actually lives in one of the units. This would include small boarding homes and rooms for rent in the owner's own home.
- Housing owned and operated by a religious organization which limits rentals to persons of the same religion, or gives preferences to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, elderliness, familial status, sexual orientation, gender identity, military status, or disability.
- Housing owned and operated by a private membership club, not open to the public, which limits lodging to its members or gives preference to its members.
- Any private, state-owned, or state-supported educational institution, hospital, nursing home, or religious or correctional institution may require that their rooms or units be occupied by individuals of the same sex.
- Housing providers may exclude persons convicted of the illegal manufacture or distribution of a controlled substance as defined in federal law.
- Housing providers may exclude persons who pose a clear and present threat of substantial harm to others or to the dwelling itself. The housing provider may use a record of criminal convictions to make a determination of such a threat.
- Housing providers may limit the maximum number of occupants permitted to occupy a dwelling.
- Housing specifically for older persons may limit housing based on age and may exclude children.