



CITY OF IOWA CITY MEMORANDUM

Date: August 4, 2017
To: Iowa City Landlords and Rental Property Managers
From: Kristin Watson, Human Rights Investigator
Re: Religious Discrimination in Housing

The Iowa City Code of Ordinances, the State of Iowa, and the federal Fair Housing Act (FHA) prohibit discrimination in several areas and bases, including discrimination on the basis of religion in housing. The Iowa City Department of Equity and Human Rights enforces the City's anti-discrimination ordinance and, by extension, the state and federal laws prohibiting discrimination. What does this mean in practice? This memorandum is intended to provide guidance addressing that question. This memorandum is addressed to property managers and landlords; it does not address issues specific to realtors.

Do anti-discrimination laws apply only to rentals and the process of obtaining housing?

No. Several courts have decided in favor of people discriminated against during rental tenancy and after buying properties subject to management, such as condominiums. For example, if residents are permitted to put decorations on their doors, this would include being able to place religious items such as crosses or mezuzot on their doors. If condominiums or apartment complexes have gathering rooms that can be used by residents for occasions such as parties or book groups, residents must also be allowed to reserve the rooms for religious gatherings such as Bible studies.

How is religion defined?

There is no specific definition of religion contained in the law. Landlords and property managers cannot discriminate against a person of any faith or belief system.

May a landlord prefer religious tenants of any faith over non-religious tenants?

No. The protection against discrimination on the basis of religion applies to people who are atheist or agnostic. A landlord cannot express or act upon a preference for tenants of any faith, a specific faith, or no faith. Landlords cannot refuse to rent based upon a person's religious beliefs or lack thereof.

May a landlord use religious terms or images in advertisements?

No. Using religious imagery or words in advertisements indicates a preference for the indicated religion over others. Therefore, phrases such as "room for rent in Christian/Muslim/Jewish home" would violate the advertising provisions of the law. Indicators such as "convenient to XYZ church/mosque/synagogue" may also give the impression that a certain group is preferred in the neighborhood.

May a landlord ask about an applicant's religion?

No. Similarly, a landlord may not invite tenants to religious gatherings such as Bible studies or ask if a tenant is interested in learning about the landlord's religion.

What are a landlord's obligations if tenants complain of another tenant's harassment?

A landlord can be liable for failure to take action if one tenant complains of discrimination coming from another tenant. For example, the San Francisco Housing Authority was required to pay victim compensation, implement new policies, and train employees after the US Department of Justice found that it had failed to take action to stop threats and violence against Muslim tenants by neighbors. Any complaints should be taken seriously and investigated promptly.

Are there any exceptions?

Yes. There is an exception for

- Religious organizations, if they rent housing units for a non-commercial purpose. The religious organization may limit occupants to members of the religion or give preference to members, so long as membership in the religion is not restricted on account of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, sex, sexual orientation, presence or absence of dependents or public assistance source of income.
- Rooms or units in buildings with no more than four units, when one of the units or rooms is occupied by the owner.

Remember that, even if the property is exempt, there is no exemption for advertising.

The Iowa City Office of Equity and Human Rights plans to provide memos to local landlords on areas of discrimination on a regular basis to assist in providing good outcomes for both landlords and tenants in this community. Please send other fair housing topics you would like to receive guidance on in the future, or inquiries regarding fair housing issues, to humanrights@iowa-city.org.