

THINGS LANDLORDS SHOULD KNOW – PART 1  
Families With Children

As a client, you say “ I have a beautiful 4-bedroom home and would really prefer not to rent to a family with children.”

Well, first I would ask who you think your target market would be for possible tenants in a 4-bedroom home if not a family with children? I guess it could be a dormitory for 4 college boys where they could host beer bashes . . . or perhaps a clubhouse for a local motorcycle gang, but realistically, three and four bedroom homes are going to primarily appeal to families with children.

Beyond that practical consideration, remember that Federal and State Fair Housing Laws state that you may not discriminate in the sale or rental of property based on someone’s Race, Color, Religion, Sex, Handicap, National Origin or FAMILIAL STATUS. That means that you cannot exclude someone from your rental because they have children. If you do, you are in violation of their Civil Rights, and after the lawsuit, you will be sending those children to graduate school.

Additionally, the Arizona Landlord and Tenant Law (Arizona Revised Statutes) ARS 33-1317 reads: “Discrimination by landlord or lessor against tenant with children prohibited

A. A person who knowingly refuses to rent to any other person a place to be used for a dwelling for the reason that the other person has a child or children, who advertises in connection with the rental a restriction against children, either by the display of a sign, placard, or written or printed notice, or by publication thereof in a newspaper of general circulation, is guilty of a petty offense.”

There are exceptions to this provision, based on a provision deemed “Housing for Older Persons (55 years and older),” however, there are some very specific requirements as to what qualifies as such housing. We will explore the Housing For Older Persons exception in another article.

Arizona Law goes on to say that the statutes does not preclude a landlord from establishing “reasonable occupancy standards” limiting the number of persons to occupy the property, as long as those standards apply to persons of all ages, and the law even specifies that a “reasonable standard” would be no more than two (2) persons per bedroom.

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