

Housing Discrimination Laws - Who and What is Covered

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Who is protected by state and federal housing laws?

The Federal Fair Housing Act (FHA) doesn't allow discrimination based on the following:

- **Race:** Individuals united or classified based on common history, nationality, or geography.
- **Color:** The color of a person's skin.
- **Family Status:** Households with minor children, pregnant individuals, those seeking custody, or planning adoption or guardianship.
- **Disability:** Physical or mental impairment substantially limiting major life activities, including service animals and emotional support animals.
- **Sex:** Gender identity, not identifying with conventional gender norms.
- **National Origin:** Member of a nation by birth or naturalization.
- **Religion:** Sincerely held religious, moral, or ethical beliefs.

The Wisconsin Open Housing Law protects everyone the federal law does, but also covers the following:

- **Marital Status:** Being married, widowed, single, divorced, or separated.
- **Ancestry:** Descent from an identifiable group.
- **Source of Income:** Lawful source of income, including wages, vouchers, social security, or public assistance.
- **Sexual Orientation:** Preference for heterosexuality, homosexuality, bisexuality, etc.

- **Age:** Being at least 18 years old.
- **Status as a Victim of Domestic Abuse, Sexual Assault, or Stalking**

County and city ordinances in some communities in Wisconsin may contain even more protected groups of people. Dane and Milwaukee Counties and the Cities of Madison, Milwaukee, Appleton, De Pere, Oshkosh and Green Bay all have additional protections in their ordinances.

What types of housing are covered?

The FHA covers most housing, but has a small number of exceptions. Generally, the FHA does not apply to buildings with 4 or less units if the owner lives in one of the units. Additionally, most parts of the FHA will not apply to single-family homes that are being sold or rented by the owner without an agent. Finally, the FHA may exempt housing operated by religious organizations and private clubs.

Like the FHA, the Wisconsin Open Housing law covers most types of housing, including rentals, condominiums, and mobile/manufactured homes. Unlike the FHA, Wisconsin Open Housing Law applies to single-family homes, giving it a broader reach than the federal law.

What is not allowed?

Wisconsin Law prohibits the following actions, if they are taken based on your membership in a protected class (see above for protected classes):

1. Refusing to rent or negotiate with someone for the rental or sale of a dwelling

Example: A landlord refuses to rent to you because you have children.

2. Charging a higher price for the sale or rental of housing.

Example: A landlord charges higher rent if someone has a support animal.

3. Applying different mortgage application standards or fees.

Example: A bank charges higher interest rates on mortgage loans to Black borrowers.

4. Applying different terms or rental conditions.

Example: The building manager waives the security deposit for “people from America”.

5. Discriminatory advertising.

Example: Someone selling their house advertises that they would prefer to sell their house to Christians.

6. Making housing unavailable.

Example: A landlord refuses to rent to anyone whose income comes from Supplemental Security Insurance.

7. Applying different insurance rates or terms.

Example: An insurance agency charges a Hmong homeowner with higher homeowner insurance rates than a white homeowner with a similar house in a similar neighborhood.

8. Steering persons to certain neighborhoods or buildings within an apartment complex.

Example: A realtor shows her Hispanic clients homes in only one area of the city, because “that’s where all the other Hispanic people live.”

9. Harassing a tenant.

Example: A landlord asks a tenant to provide sexual favors in exchange for reducing or canceling rent.

10. Failing to renew a lease.

Example: A landlord fails to renew a lease because they found out a tenant was queer.

11. Lying about the availability of housing.

Example: A landlord has a unit available, but when the potential tenant shows up with a hijab, the landlord says the unit is no longer available.

12. Retaliation for exercising rights under the law.

Reasonable Accommodations and Modifications

Housing providers are required to make certain changes (reasonable accommodations and reasonable modifications) for individuals with disabilities. Service animals and emotional support animals are also protected. *See our*

reasonable accommodations and modifications and support animals articles for more information.

Exceptions

There are situations when something is legal even though it looks a lot like discrimination. A few examples include:

Occupancy standards: A family with “too many” people may be turned away, based on reasonable government regulations addressing health and safety, overcrowding, or capacity of utilities or infrastructure.

Housing for older persons: Housing primarily intended and operated for older persons may, under certain conditions, be restricted to persons over a certain age, such as “62 years and older” housing and “55 and over” housing.

Direct threat: Housing may be denied to a person who poses a direct threat to the safety of others or whose tenancy would result in substantial physical damage to property, provided the risk can’t be sufficiently reduced by a reasonable accommodation.

[Housing Renting Discrimination & Fair Housing](#)

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