

“Is Age Discrimination ever Legal? Yes!”

Prohibited Discrimination in Rental Agreements

Introduction

The Arizona Residential Landlord and Tenant Act (ARLTA) prohibit certain types of discrimination between the landlord and tenant. The prohibited discriminations include:

Prohibited Discrimination Against Children

Generally, a person who knowingly refuses to rent their dwelling unit to another person because that person has a child or children will be guilty of a petty offense. In addition, a person is also prohibited from making advertisements that include restrictions on children regardless of whether the advertisement is in the form of a sign, placard, printed notice, or in a newspaper.

However, a landlord can refuse to rent their dwelling unit to another on the reason that the other person has a child or children in certain situations. (ie: the dwelling unit meets the definition of housing for older persons)

Prohibited Discrimination Based on Occupancy

A landlord is not prevented from refusing to rent a dwelling unit by reason of reasonable occupancy standards established by the owner or the owner’s agent which apply to persons of all ages, and which have been adopted and published before the event in issue. Further, an occupancy limitation of two persons per bedroom residing in a dwelling unit shall be presumed reasonable for the State of Arizona and all political subdivisions of the State of Arizona.

Tenant’s Remedies for Unlawful Discrimination

A person whose rights have been violated may bring a civil action against a person who violates this section for all of the following:

- 1) Injunctive or declaratory relief to correct the violation;
- 2) Actual damages sustained by the tenant or prospective tenant;
- 3) A civil penalty of three (3) times the monthly rent of the housing accommodation involved in the violation if the violation is determined to be intentional; and
- 4) Court costs and reasonable attorney fees.

Conclusion

Discrimination should not be taken lightly. If you or a loved one is the victim of discrimination, you should immediately contact an attorney to help insure your rights are not further violated.

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