

Tenants wary of ruling on rentals

By Dirk Broersma
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Calling it a "wake-up call" for renters, local housing activists are blasting a state appellate court ruling that allows landlords to discriminate against unmarried couples.

Under last week's decision by the Court of Appeals, a landlord who can show sincere religious convictions may refuse to rent to unmarried couples.

The ruling — which opponents vowed to appeal — carves out a unique exception to state fair housing laws.

"This is an alarming development in terms of tenants' rights," said Thomas Coleman, an attorney representing the Family Diversity Project of Los Angeles, a tenants' advocacy group. "This court decision allows someone's civil rights to be stripped from them."

In its ruling, the court held that a Downey couple should be exempt from a state fair housing statute because of their "sincerely held religious belief that fornication and its facilitation are sins."

The landlords, John and Agnes Donahue, refused to rent an apartment to Verna Terry and Robert Wilder in January 1987 after finding out they were not married. The Donahues are both devout Catholics.

The court's 2-1 ruling said that the state's interest in protecting unmarried couples from discrimination does not outweigh the Donahues' right to free exercise of religion under the state Constitution.

Coleman and others, however, said the decision weakens the state's fair housing laws and gives landlords a convenient excuse to discriminate against potential tenants for a variety of reasons.

For example, Coleman said, a landlord whose religion prohibits drinking of alcohol may now be able to refuse to rent to a tenant who drinks. Also, a landlord could cite his religious convictions regarding extramarital cohabitation as a ruse to deny housing to children.

The decision makes Los Angeles, with its large population of single adults, particularly vulnerable to housing discrimination, Coleman said.

"I would say this is a wake-up call to people who are single, whether they live with somebody or not," he said. "It's time to step to the forefront and protect your rights."

Mar Vista resident Stephanie Knapik, executive director of the Westside Fair Housing Council, said she has taken a personal interest in the case because she is single and residing with her boyfriend. Knapik's group investigates complaints of housing discrimination in the West Los Angeles and South Bay areas.

"We could be denied housing," said Knapik. "I take this very personally. I have certain beliefs in marriage also. The fact that I'm not ready at this time to make that very serious commitment is no one's business."

But some South Bay landlords praised the decision as upholding the religious rights of landlords.

Tom O'Leary, a Catholic landlord who rents a duplex in Redondo Beach, said the court decision was a good one.

"There are a great many deeply and sincerely religious Catholics who are property owners and who have no racial prejudice whatsoever," he said. "Their deeply held religious convictions should be respected."

O'Leary's wife, Dorothy, said they do not rent to unmarried couples because "to me it would be living in sin. I may be very old-fashioned. But I'm also very religious."

Dan Faller, president of the Apartment Owner's Association of Southern California, said his organization "supports the Donahues 100 percent." But he said a couple's marital status is usually a minor concern for landlords.

"I don't think there are a lot of property owners who care that much, as long as the tenants pay their bills and take care of the apartment. . . . I would say the effect is going to be very minimal, especially in today's market where there are so many vacancies."

Deputy State Attorney General Kathleen Mikkelsen said the state likely would appeal.