Officials Fear Impact of Ruling on Religious Screening of Tenants

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A federal appeals court ruling upholding the religious rights of two Alaska landlords has sent a shock wave through legal circles in California, where antidiscrimination laws believed to be settled are now in doubt.

The ruling by a three-judge panel of the U.S. 9th Circuit Court of Appeals held that the landlords were within their rights when they refused to rent to an unmarried couple because doing so violated their interpretation of Christianity.

Housing officials in California are especially nervous about the implications of the ruling because the state is far more populous and diverse than Alaska and spawns tens of thousands of housing discrimination complaints each year.

The opinion has sent authorities on both sides of the issue scrambling to figure out its impact on California laws that also ban such discrimination. The ruling could cause havoc for fair housing councils, which try to ensure equal access to housing.

It is unknown, for example, how many current cases brought under California's antidiscrimination laws might be affected by the ruling or whether the state will put any such cases on hold while the decision is appealed.

Also unknown is how broadly the appellate ruling will be interpreted—whether, for example, it would apply to public accommodations or employment, not merely the rental of property.

The ruling by the 9th Circuit judges—whose jurisdiction covers California, Alaska and several other Western states—said an Alaska statute barring discrimination against unmarried couples infringed on the landlords' rights.

An attorney with the state Department of Fair Employment and Housing said, however, that the ruling would not automatically void California's antidiscrimination statutes. The state Supreme Court ruled in 1996 that a landlord could not refuse to rent to an unmarried couple on religious grounds.

"We haven't analyzed the opinion yet, and if there is no direction in it to void California law, we still have a statute to enforce," said Terry Fee. "It may be that the Alaska statute itself or issues before the court are distinguishable from California."

According to state data, 983 housing discrimination complaints were filed during the 1997-1998 fiscal year. Sixty-seven of the cases cited marital status as one of the reasons, and 19 of those complainants said they were specifically denied housing because they were an unmarried couple.

Beth Rosen-Prinz, the housing department's regional administrator in Los Angeles, said the state does not plan to stop processing such cases. "Until such time as we have other instruction from our chief counsel, it's business as usual," she said.

But many religious organizations applauded the ruling as a welcome acknowledgment of their rights and a slap at business as usual.

The ruling "will do a lot for those of faith that have been classified as second-class citizens," said the Rev. Lou Sheldon, chairman of the Orange County-based Traditional Values Coalition. "This will make it fair that Christians must not adhere to a secular culture."

The appeals court ruling was also received favorably—or at least not opposed—by landlord associations. But many said the ruling will have an extremely limited impact.

Dan Faller, president the Apartment Owners Assn. of Southern California, the largest individually organized apartment owners group in the state, does not foresee landlords rushing to reject applications from the unmarried.

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"I bet you if I were to call 30 owners there might be one who would, and after I got past the first 30 I probably would have to call 500 more to find another one," he said. "I know a lot of apartment owners, and I can only think of one that may want to do that."

Faller is not one of them. And it is not because he accepts the idea of unmarried couples cohabiting.

"I don't believe in people living together that way, but if they came to my apartment, I would certainly rent it to them," he said. "I think most owners feel that way."

The renters who are rejected because of their marital status will have a sea of other rentals to choose from, he said.

Despite uncertainties, many civil rights advocates and even some religious groups predicted dire consequences if the decision is upheld.

"If the ruling is not overturned, landlords and other establishments may impose a religious test on consumers and refuse to provide goods or services to those who fail the test," said Thomas F. Coleman, an attorney and executive director of the American Assn. for Single Persons.

Salam Al-Marayati, director of the Muslim Public Affairs Council, said the ruling raised concerns about people's rights to privacy. Giving landlords the option to reject a couple based on marital status, "will misdirect the ethical concern of creating family households with a husband and wife—which is legitimate—to getting into situations where families could even be broken up if a landlord wants to utilize this power," said Al-Marayati.

David Levy, a spokesman for the Orange County Fair Housing Council, said the ruling chips away at hard-fought fair housing laws born of the 1960s civil rights movement.

Since the passage of the Federal Fair Housing Act of 1968, the trend has generally been in strengthening the law in favor of renters, Levy said. "But this is a setback," he said. "We're hoping . . . it's not absolute. . . . It's not over yet."

Times staff writer Allison Cohen contributed to this story.