

Keeping clear of Fair Housing issues.....

Staying clear of discriminatory language in advertising vacancies

What words and phrases can you use, and which must you avoid, in advertising your rentals?

Fair housing laws prohibit the making, printing and publishing of advertisements which state a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The prohibition applies to publishers, such as newspapers and directories, as well as to persons and entities who place real estate advertisements. It also applies to advertisements where the underlying property may be exempt from the provisions of the Fair Housing Act, but where the advertisement itself violates the Act. Below is a summary of HUD's policy guidance on advertising:

1. RACE, COLOR, NATIONAL ORIGIN:

Real estate ads should state no discriminatory preference or limitation on account of race, color, or national origin. Use of words describing the housing, the current or potential residents, or the neighbors or neighborhood in racial or ethnic terms (i.e., **white family home, no Irish**) will create liability under this section.

However, ads which are facially neutral will not create liability such as **master bedroom, rare find, or desirable neighborhood**.

2. RELIGION:

Advertisements should not contain an explicit preference, limitation or discrimination on account of religion (i.e., **no Jews, Christian home**). Ads which use the legal name of an entity which contains a religious reference (for example, **Roselawn Catholic Home**), or those which contain a religious symbol, (such as **a cross**), standing alone, may indicate a religious preference.

However, such an ad is OK if it includes a disclaimer (such as "**This Home does not discriminate on the basis of race, color, religion, national origin, sex, handicap or familial status**"). Ads containing descriptions of properties (**apartment complex with chapel**), or services (**kosher meals available**) do not on their face state a preference for persons likely to make use of those facilities, and are not violations.

It is OK to use secularized terms or symbols relating to religious holidays such as **Santa Claus, Easter Bunny or St. Valentine's Day** images, or phrases such as "**Merry Christmas**", "**Happy Easter**" or the like.

3. **SEX / GENDER:**

Advertisements for single family dwellings or separate units in a multi-family dwelling should contain no explicit preference, limitation or discrimination based on sex / gender.

Use of the term **master bedroom** does not constitute a violation of either the sex discrimination provisions or the race discrimination provisions. Terms such as “**mother-in-law suite**” and “**bachelor apartment**” are commonly used as physical descriptions of housing units and do not violate the Act.

4. **HANDICAP / DISABILITY:**

Real estate ads should not contain explicit exclusions, limitations, or other indications of discrimination based handicap (i.e., **no wheelchairs**). Ads containing descriptions of properties (**great view, fourth-floor walk-up, walk-in closets**), or neighborhoods (**walk to bus-stop**) do not violate the Act. Ads describing the conduct required of residents (“**non-smoking**”, “**sober**”) do not violate the Act. Ads containing descriptions of accessibility features are lawful (**wheelchair ramp**).

5. **FAMILIAL STATUS:**

Advertisements may not state an explicit preference, limitation or discrimination based on familial status. Ads may not contain limitations on the number or ages of children, or state a preference for adults, couples or singles. Ads describing the properties (**two bedroom, cozy, family room**), services and facilities (**no bicycles allowed**) or neighborhoods (**quiet streets**) are not facially discriminatory and do not violate the Act.

It is NOT OK to use these words & phrases.....(examples)

Adults only - exclusive - “ideal for physically fit person” - no children under 12 - No Mexicans or African Americans - No wheelchairs - singles only - Private community - integrated - membership approval - must be able to live independently - white family home - not suitable for disabled

It IS OK to use these.....(examples)

Section 8 welcome - desirable neighborhood – disabled welcome – families welcome
Non-smoking – wheelchair accessible – 55+ (for dedicated senior communities)

....and, if the roommate will share living space: female [or male] roommate wanted

To learn more, go online to see HUD’s guidance at www.hud.gov or contact your local Fair Housing agency.