

ADVERTISING THE
FAIR HOUSING WAY

THE LAW

THE FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in housing based on:

- **Race or color**
- **National origin**
- **Religion**
- **Sex**
- **Familial status**
(Including children under the age of 18 living with parents or people securing custody of children under 18)
- **Handicap**

WHAT HOUSING IS COVERED?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner occupied buildings with no more than 4 units, single-family housing sold or rented without the use of a broker.

WHAT IS PROHIBITED?

In the sale and rental of housing no one may take any of the following actions based on a protected class:

- **Refusal to rent or sell housing**
- **Refusal to negotiate for housing**
- **Make housing unavailable**
- **Setting different terms, conditions, or privileges for sale or rental of a dwelling**
- **Providing different housing services or facilities**
- **Falsely deny that housing is available for inspection, sale or rental**
- **For profit persuade owners to sell or rent (blockbusting)**
- **Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right**
- **Advertising or making any statement that indicates a limitation or preference based on a protected class. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act**

THE WORDS

DISCRIMINATION AGAINST FAMILIES AND SENIORS

Section 1

- **Familial status is a term that refers to one or more persons under the age of 18 living with a parent or guardian.**
- **An ad cannot define the size of the family.**
- **The phrase “great for a family” is acceptable.**
- **Be aware that some communities have laws and ordinances, which prohibit discrimination, based on age, even though that’s not against Federal law.**
- **Dwellings in retirement communities and other housing units for older persons may be exempt for familial status if they:**
 1. **are designed and operated to assist elderly persons through a state or federal program;**
 2. **or are occupied by persons 62 years of age or older**
 3. **or have at least one person 55 years of age or older in at least eighty percent of the occupied units.**

WORD LIST FOR SECTION 1

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
adult living, adults only	bachelor pad	great for family
bachelor	# of persons	play area
no children	no play area	senior discount
# of children	retired	
couples only	seniors	
empty nester	senior citizens	
married	students	
mature couple		
newlyweds		
one child		
one person		
single person, single only		
two people		

DISCRIMINATION BY RACE, COLOR, NATIONAL ORIGIN, OR RELIGION

Section 2

Any use of race, color, religion or nationality should act like a flashing red light. It may seem logical to say “in the St. Patrick parish,” or “opposite Temple Beth El,” to locate property. While such language may be acceptable, read the entire ad to assure yourself the language is innocent. If in doubt, don’t use it.

WORD LIST FOR SECTION 2

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
African	Catholic	near churches
Asian	Mormon Temple	
Blacks	mosque	
Caucasian	shrine	
Chinese	temple	
Colored		
Hispanic		
Indian		
Irish		
Jewish		
Latino		
Mexican-American		
Oriental		
Polish		
Puerto Rican		
White Only		

DISCRIMINATION AGAINST DISABLED CITIZENS

Section 3

Persons with disabilities are protected under the law. Make your ads inclusive not exclusive. For example, “wheelchair accessible throughout” tells a reader something about a property that includes a segment of the population by giving helpful information.

Disabled persons can usually identify suitable living quarters for themselves, and we are often able to arrange to pay for any needed modifications. What disabled persons don’t need is to be filtered out in advance by discriminatory advertising.

A drug addict (a person currently involved in illegal use of a controlled substance) is not considered to be disabled. Ads may specify behavior on the premises, such as

“no drinking” but may not legally discriminate against alcoholics and former drug users who are “in recovery”.

WORD LIST FOR SECTION 3

<u>RED (no not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
able-bodied	active	
agile		
blind		
crippled		
deaf		
disabled		
healthy only		
impaired		
mentally disabled		
retarded		
no SSI		

DISCRIMINATION BY SEX OR SEXUAL ORIENTATION

Section 4

Gender discrimination is not permitted in advertising except when advertising for roommates or for person who will be sharing living areas...and then the ad may discriminate only be sex.

Discrimination on the basis of sexual orientation is prohibited by some local ordinances, not by Federal law. It’s up to you to know what the ordinances are in your area.

WORD LIST FOR SECTION 4

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
Bachelor	females only	
	fisherman’s retreat	
	no gays	
	no lesbians	
	male only	
	single, woman, man	
	straight only	

PERSONAL HABITS AND ATTRIBUTES

Section 5

It is permitted to specify no smoking or drinking or other behavior, but it is not okay to discriminate against persons with a health condition or physical problem.

The plural form (smokers, drinkers) may be interpreted to refer to number, and may raise a complaint on that basis. It is better to specify the behavior that is unacceptable.

WORD LIST FOR SECTION 5

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
no alcoholics		no drinking
healthy only		no drugs
non-drinkers		no drug users
non-smokers		no smoking
physically fit only		
quiet tenants		
responsible		
no smokers		
stable		

PROXIMITY CODES

Section 6

While you may use names of political or historical subdivisions, some neighborhood names can be a kind of code. They may indicate poverty or affluence, ethnic background or national origin. It's much better to hold to geographical-type locations (Northwest, Southeast) or to simple street locations.

WORD LIST FOR SECTION 6

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
	close to	near bus
	near country club	near church
	walking distance to...	neighborhood name
		school name
		school district

CATCH WORDS

Section 7

Restrictive covenants based on race, color, and national origin have been illegal for some time, so it would be surprising if anyone would advertise that they had such a thing. However, some terms are used as “code” words in certain communities. In such a situation readers are supposed to assume that “exclusive” and “executive” homes are not for particular people and such properties could not be afforded by minorities anyway.

WORD LIST FOR SECTION 7

<u>RED (do not use)</u>	<u>YELLOW (caution)</u>	<u>GREEN (use)</u>
Board approval required	near country club	quiet neighborhood
Integrated	exclusive	domestic quarters
Membership approval	executive	quality
Required	Secure	neighborhood
	Nanny's room	
	Prestigious	
	Private	
	Restricted	

USE OF HUMAN MODELS

You can't do without photographs and graphics what you can't do in word, i.e.; you can't use them to indicate exclusivity or a preference of a certain type of individual.

HUD believes that the people used in an ad are a direct indication of the people the advertiser is trying to attract. Examples which are violations are:

- using children in ads for one development and using only seniors in an ad for a different development when the properties have common ownership
- using only young white couples in the ads for a particular community
- using only male models for a particular location
- using white models as tenants, and minorities as service personnel
- using white models in the forefront and minorities in the background or not facing the camera

CONCLUSION