



Equal Housing Opportunity

Fair Housing Advertising Guidelines

General Discussion

The Fair Housing Act makes it illegal to advertise any preference, limitation or discrimination based on race, color, religion, sex, national origin, familial status, handicap, or an intention to make any such preference, limitation or discrimination.

While blatantly discriminatory language such as "No (*insert religion here*) Need Apply" is obviously illegal, people often inadvertently violate the law by using wording which was not intended to be unfairly discriminatory, but which could be interpreted as being so. An example would be to say "Near St. John's Church". This may only be intended to indicate the location of the dwelling unit to a known landmark in the community, but could also be interpreted as having a preference for a particular religious group.

While it would be impossible to list all possible ways this law could be violated, the following list of commonly used advertising words and expressions have been found to be discriminatory by the Department of Housing and Urban Development (HUD).

General Principals: Eliminate Wording Which:

- Includes or targets any group of people.
- Excludes or discourages any group of people.
- Describes the property as best suited for or indicates a preference for any group of people.
- Describes the type of customer. Use only words that describe the property.

Watch List: Words to avoid in Housing for Sale or Rent Ads

(A)

- Able-Bodied
- Active
- Adult - If the housing is "housing for older persons", it is appropriate to say so. However, the term "adult" standing alone is not appropriate as this implies a restriction different than 55 and over or 62 and over, which are the two types of housing for older persons allowed by law.
- Adult Building (See memo re: Housing for Older Persons)
- Adult Community (See memo re: Housing for Older Persons)
- Adult Living (See memo re: Housing for Older Persons)
- Adult(s) Only
- Adult(s) Preferred
- AFDC (Welfare)

- African-American
- American
- Ancestry (any)
- Asian

(B)

- Bachelor Apartment/Pad
- Black
- Blind
- Buddhist

(C)

- Catholic
- Caucasian
- Chicano/Chicana
- Child/Children restrictions - unless "housing for older persons"
- Child, One OK, Two OK, etc. (Can list number of bedrooms)
- Children, No
- Children OK
- Chinese
- Christian
- Church, near
- Church(es) (Can use as a direction - Example: turn left at St. John's Church.)
- Color (any, when used to describe person or persons)
- Colored
- Contemporary Lifestyle
- Corporate Lodging
- Country Club
- Couple(s)
- Crippled/Cripple(s)

(D)

- Deaf
- Deluxe
- Desirable
- Disability (any) - It is acceptable to describe housing as accessible to persons with disabilities, but not to limit the housing by stating that it is not accessible.

(E)

- Elderly (See memo re: Housing for Older Persons)
- Employed, must be
- Empty Nester(s)
- English Speaking
- Ethnic Neighborhood
- Ethnic Group (any)
- Exclusive Neighborhood/Street
- Executive Home/Suite/Apartment/Unit

(F)

- First Time Buyers
- Foreigners

(G)

- Gated
- Gated Community
- Golden Ager(s)
- Gay(s) (See memo re: Sexual Orientation and Gender Identity)

(H)

- Handicapped
- Hispanic
- Handyman Special (Use "Fixer-Upper" or "Needs TLC")
- Heterosexual (See memo re: Sexual Orientation and Gender Identity)
- Hindi
- His and Hers
- Homosexual (See memo re: Sexual Orientation and Gender Identity)

(I)

- Ideal for... (a type of person)
- Immigrant(s)
- Independently, capable of living
- Indian
- Integrated
- Interracial
- Irish

(J)

- Jew/Jewish

(L)

- Latino/Latina
- Lesbian (See memo re: Sexual Orientation and Gender Identity)
- Living Alone, capable of
- Luxury

(M)

- Married
- Mature
- Membership Required
- Mentally Handicapped
- Mentally Ill
- Mentally Retarded
- Mexican/Mexican-American
- Middle-Aged

- Middle Eastern(er)
- Minority
- Mixed Community
- Mormon
- Moslem
- Mosque (Can be used only as a direction - Example: Turn left at the mosque.)
- Mosque, near
- Muslim

(N)

- Nationality (of any kind)
- Newlyweds

(O)

- Older Person(s)
- One Child (or any number)
- One Person (or any number)
- Oriental

(P)

- Parish (Can be used only as a direction - Example: Turn left at St. John's Parish Church.)
- Parish, near
- Parish, name of
- Perfect for...
- Person(s), number of
- Physically Fit
- Play Area, No
- Polish
- Prefer...
- Private
- Private Road
- Privileged
- Professional/Executive
- Protestant Public Assistance
- Puerto Rican

(Q)

- Quality

(R)

- Race (any, when used to describe a person or persons)
- Religion (any, when used to describe a person or persons)
- Rent Calculated Per Person
- Restricted Retarded
- Retarded
- Retired Person(s) (If it is "Housing for Older Persons", use that phrase instead. See memo.)
- Retiree(s)

- Retirement Community (Use "Housing for Older Persons". See memo)

(S)

- Schools (Can be used only as a direction - Example: Turn left at General McLean School.)
- Seasonal Worker(s)
- Section 8, No
- Section 8, OK
- Section 8, Welcome
- Secure (use Security System, Doorman, etc.)
- Segregated
- Senior Discount
- Senior Housing (See memo re: Housing for Older Persons)
- Senior(s) Welcome
- Sleeps ... (any number)
- Straight(s)
- Social Security Discount, No
- Social Security, Ins., No
- Starter Home
- Special Rates for ...
- Suitable for ... (ok to describe property, not the resident. Example: Suitable For Small Office)
- Suitable for (any number) Persons
- Synagogue, near (Can be used only as a direction - Example: Turn left at the synagogue.)

(T)

- Temple, near (Can be used only as a direction - Example: Turn left at the temple.)
- Traditional

(U)

- Upscale
- Unemployed
- U.S. Citizen

(W)

- Walk to... or Walking Distance To (Close To, or (X) Blocks From)
- Welfare
- White
- Working, Must Be

(Y)

- Young
- Youthful

Memo - Housing For Older Persons

"Housing For Older Persons" is housing specifically designed and operated to assist elderly persons as defined in federal or state law. Such housing must meet the following criteria:

- It is intended for and solely occupied by persons 62 years or age or older; or,
- It is intended and operated for occupancy by persons 55 years of age or older.

In determining whether housing qualifies as "Housing For Older Persons", requirements include, but are not limited to:

- At least 80% of the units must be occupied by at least one person 55 years or older per unit; and,
- There must be publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older; and,
- The housing must comply with regulations declared by federal and state law for verification of occupancy.

Memo – Sexual Orientation and Gender Identity

The Fair Housing Act does not specifically include sexual orientation and gender identity as prohibited bases. However, a lesbian, gay, bisexual, or transgender (LGBT) person's experience with sexual orientation or gender identity housing discrimination may still be covered by the Fair Housing Act. In addition, housing providers that receive HUD funding, have loans insured by the Federal Housing Administration (FHA), as well as lenders insured by FHA, may be subject to HUD program regulations intended to ensure equal access of LGBT persons

As HIV/AIDS disproportionately affects the LGBT community, it is important to note that HIV/AIDS is protected under the Fair Housing Act as a disability.