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◦The **Fair Housing Act** prohibits the making, printing or publishing of any statement, notice or **advertisement** in connection with the sale or rental of **housing** which expresses a preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin.

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1.Race  
3.Religion  
5.Sex  
7.Familial Status  
9.Gender Identity

2.Color  
4.National Origin  
6.Disability  
8.Sexual Orientation

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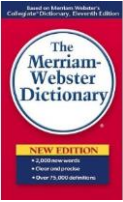
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### Definitions

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- Race - Each of the major divisions of humankind, having distinct physical characteristics
- Color – A person's skin color
- Religion - A person's religious or spiritual beliefs and practices, or his or her denominational affiliations.



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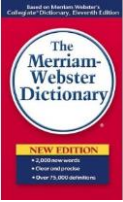
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- National Origin - The country where a person or his or her ancestors originated or came from.
- Sex (gender) - "**Sex**" refers to the biological and physiological characteristics that define men and women. "**Gender**" refers to the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.



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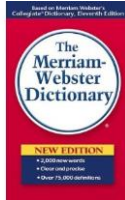
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- Disability - A physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment.
- Familial Status - Whether persons are members of families in which one or more children under 18 years old lives with a parent or legal custodian. Also a person whose household includes one or more minor or adult relatives.




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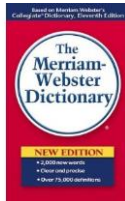
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- Sexual Orientation - Having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.
- Gender Identity - a person's perception of having a particular gender, which may or may not correspond with their birth sex.
- Creed – a system of Christian beliefs or other religious belief, a faith




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### Fair Housing & Advertising

- 1989 HUD Advertising Guidelines - [Part 109](#)
  - Categorizes discriminatory advertising into three groups:
    - Advertising that contains words, phrases, symbols, or visual aids that indicate a discriminatory preference or limitation
    - Advertising that selectively uses media, human models, logos and locations to indicate an illegal preference or limitation
    - Various types of discriminatory advertising practices condemned by the Fair Housing Act

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### Use of Words, Phrases, Symbols and Visual Aids

- Words descriptive of dwelling, landlord, and tenants:
  - White private home, colored home, Jewish home, Hispanic residence, adult building
- Words indicative of race:
  - Negro, black, Caucasian, Oriental, American Indian
- Words indicative of color:
  - White, black, colored

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Use of Words, Phrases,  
Symbols and Visual Aids

- Words indicative of religion:
  - Protestant, Catholic, Christian, Jew
- Words indicative of national origin
  - Mexican American, Puerto Rican, Philippine, Polish, Irish, Italian, Chicano, African, Hispanic, Chines, Indian, Latino

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Use of Words, Phrases,  
Symbols and Visual Aids

- Sex – the exclusive use of words in advertisements, including those involving the rental of separate units in a single or multifamily dwelling, stating or intending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved.

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Use of Words, Phrases,  
Symbols and Visual Aids

- Words indicative of handicap:
  - Crippled, blind, deaf, mentally ill, retarded, impaired, handicapped, physically fit
- This section does not restrict inclusion of information about the availability of accessible housing.

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### Use of Words, Phrases, Symbols and Visual Aids

- Words indicative of familial status:
  - Adults, children, singles, mature persons
  - Remember the exemption for housing for older persons
- Catchwords:
  - Restricted, exclusive, private, integrated, traditional, board approval or membership approval.

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### Symbols or Logotypes

- ANY that imply or suggest race, color, religion, sex, handicap, familial status or national origin.




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### Directions To Real Estate For Sale or Rent

- Directions can imply a discriminatory preference, limitation or exclusion.
- References to a location that have racial or national origin significance, such as existing black development or an existing development known for it's exclusion of minorities.
- References to a synagogue, congregation or parish may indicate a religious preference.

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### Area Description

- Names of facilities that cater to a particular racial, national origin or religious group such as a country club or private school designations or names of facilities that are used exclusively by one sex may indicate a preference.

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### Selective Use of Media or Content

- Selective use of human models in advertisements may have a discriminatory impact.
  - It is required that when human models are used in display advertising, the models should be clearly defined as reasonably representing majority and minority groups, both sexes and when appropriate, families with children.

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### Selective Geographic Advertisements

- This may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or by mail, advertising in a particular geographic coverage editions of major metropolitan newspapers or newspapers of limited circulation that are mainly reaching for a particular segment of the community or displays of announcement only in selected sales offices.

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### Selective Use of Equal Opportunity Slogan or Logo

- Placing the equal opportunity slogan or logo in advertising reaching some geographic areas but not others or with respect to some properties but not others.
- According to HUD, all advertising of residential real estate for sale or rent should contain an equal housing opportunity logotype, statement or logo.
  - Choice will depend on the type of media used and in space advertising the size of the advertisement.

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- HUD has published tables to serve as a guide with respect to the size of the logotype in display advertising.
- At no time should the logotype be smaller than 1/2 inch by 1/2 inch.
- Not required in advertising of less than four column inches.
- May need to use the slogan....

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### Ads & Issues

- The most common Fair Housing Act violation found on the Internet was advertising discriminating against families with children.
- Ads stating preferences for tenants who were "single" or "a couple of individuals." Phrases such as "perfect for young couple" or "three adults" were found in ads for houses or apartments with multiple bedrooms.




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### What is Wrong With These Ads?

- You will love this family friendly 3BR, 2BA with 1945 square feet.
- This amazing home with 2BR, 2BA is located in a perfect neighborhood for singles.
- You will be so happy you bought this amazing house! The carpet is so plush, even a wheelchair can't make it across the room.
- This wonderful home is zoned for great schools.
- ...offers a great family room/playroom for kids

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- This home is located in a convenient location of the city, hardly any children live on the street so you can enjoy your peace and quiet.
- This is a perfect home for empty nesters.
- The seller of this home has requested that the home only be shown to English speaking people.
- Fine Christian neighborhood that will make you proud to own this 4BR, 2.5BA modern styled home.
- Downtown condo perfect for a bachelor...
- Your family will enjoy this great, safe neighborhood.

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Be Careful

- She-Shed
- Man-Cave
- Fisherman/Hunters Retreat
- Walking distance
- Great family home
- Private backyard for playtime with the kids
- Handyman's special
- Perfect for...




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- 2BR: "Mature couple or single with no children" Brooklyn, NY
- 3BR: Duplex: "Christian atmosphere" Evansville, IN
- 2BR: "PERFECT FOR 2 ADULTS....seeking a maximum of 2 tenants" New Haven, CT
- 2BR: "Couples preferred" Chicago, IL
- 4BR: "Looking for responsible adults to enjoy home" Newport, VT



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### How About The Directions You Use in the MLS?

From Hwy 41, turn left at the First Baptist church...

...go past the Hookah place and then turn right onto Lee Ave.

House is located 4 lots down from the Mosque on Havens Street.

Others?

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- Treat everyone alike.
- Provide consistent and complete information to everyone.
- Make decisions based only on objective criteria.
- Do not make credit assumptions based on non-credit factors.
- Know the law.



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### Adoption of a Fair Housing Advertising Policy

- Real Estate Firms should have a Fair Housing Advertising Policy that provides clear guidelines for Agents and employees to follow. It should inform them that your firm is aware of its obligations under Fair Housing Law and intends to comply with those obligations. The Policy should also provide for meaningful enforcement mechanisms. It should make clear that your firm will not do business with anyone who is engaging in discrimination and should make clear to Agents and employees that compliance with the Policy is a term and condition of affiliation and employment.

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### Basic Advertising Guidelines

- Make sure your advertising is compliant with fair housing laws by focusing on the property and the amenities in your listing description—NOT on who you think an ideal renter would be.
- Do not make statements that exclude persons in protected classes or express a preference for one personal characteristic over others.
- Always include the fair housing logo and/or the "Equal Housing Opportunity" slogan in your advertising.
- Do not exclude from your marketing campaign persons in protected classes, such as families with children, people of certain racial or ethnic backgrounds, persons with disabilities, etc.

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- If you feature human models in your advertisements, ensure that the images are inclusive and representative of all communities that need access to housing.
- Always give truthful information about the availability, price, amenities, and features of a housing unit.
- Advertising Goals: Gain important, critical exposure to consumers. Maximize positive outcomes. Broaden—don't restrict—your market.
- When it comes to advertising, the key to success should be *inclusion, not exclusion*

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Describe The Property  
NOT  
Who You Think  
Should Live There



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NATIONAL ASSOCIATION OF REALTORS®  
**WINDOW  
TO THE LAW**

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