

Since the federal Fair Housing Act passed in 1968, it has been illegal to make, print or publish discriminatory statements related to housing transactions. Initially the law prohibited discrimination on the basis of race, color, national origin, and religion. Discrimination based on sex became illegal in 1974 and in 1988 the Fair Housing Act was amended to increase HUD's enforcement authority and added protections for people with disabilities and families with children.

The Fair Housing Act covers all advertising for the rental of apartments or sale of homes as well as advertising for home loans, homeowners/renters insurance, and any service related to housing. Language in the Fair Housing Act and in the regulations implementing the law makes it clear that the law is also intended to prevent newspapers and other media from publishing advertisements or notices that limit housing to specific individuals or indicate a preference for certain people. The law states:

It shall be unlawful to make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

During 2008, NFHA and several of its local fair housing organization members identified more than 7,500 discriminatory ads placed by housing providers on various websites and 1000 complaints were filed with the US Department of Housing.

The following is a representative sample of advertisements located over the course of its investigation by NFHA and 27 of its member fair housing organizations. The list includes advertisements discriminating based on familial status, religion, disability, and national origin.

### **Discrimination Based on Familial Status**

4BR: "Looking for responsible adults to enjoy home" Newport, VT

3BR: "Couples over 55 preferred" Gallatin, TN

3BR: "[N]o small children" New Orleans, LA

3BR: "Looking for a responsible, neat, adult, non-smoker who is respectful of other people's

belongings and can treat antiques with loving care.” Bennington, VT  
3BR: “Adults only” Colorado Springs, CO  
3BR: “Prefer quiet, respectful professional” MO  
3BR: “No kids allowed.” Odessa, TX  
3BR: “3 Adults” Keaau, HI  
2BR: “Mature couple or single with no children” Brooklyn, NY  
2BR: “No children, pets ok” Brooklyn, NY  
2BR: “[N]ot suitable for kids” HI  
2BR: Duplex: “Ideal for 1-2 adults.” Boston, MA  
2BR: “PERFECT FOR 2 ADULTS....seeking a maximum of 2 tenants” New Haven, CT  
2BR: “Looking for 1-2 quiet adults” New Haven, CT  
2BR: “Looking for retired couple or older person” Tallahassee, FL  
For Rent: No Kids! / Page 16 National Fair Housing Alliance  
2BR: “Couples preferred” Chicago, IL  
2BR: “Looking for two responsible adults to take over the apartment” Philadelphia, PA  
2BR: “No smoking, kids, pets” Fort Collins, CO  
1BR: “Building is a quiet adult 4plex” Plattsburgh, PA  
1BR: “[N]o-children building” Florida  
1BR: “[A]partment available for a Christian single or couple” AZ  
“[Q]uiet complex of responsibles without kids” San Diego, CA  
“Looking for a white lady who has a car and that's drawing a check. No Children, teenagers”  
Nashville, TN  
“No Kids” Mira Loma, CA  
“[N]o couples, working persons only, no pets, no children” Visalia, CA  
“No families or anything” Kannapolis, NC

### **Discrimination Based on Religion**

3BR: Duplex: “Christian atmosphere” Evansville, IN  
2BR: “Christian landlord is living in one of the units.” Chicago, IL  
1BR: “Prefer clean Christian” AK  
1BR: “[A]partment available for a Christian single or couple” AZ  
RV Hookup “Hopefully we can find someone that is a Christian and loves God with all of their hearts” OR

## **Discrimination Based on Disability**

2BR: “We’re trying to make cheaper rent available for able bodied people who can do a few things

for themselves.” Savannah, GA

Discrimination Based on National Origin

2 BR: “English speaking only please” Las Vegas, NV

## **Examples of Word and Phrases Which Could Be Discriminatory:**

adult community

adult living

Retirees

adult park

senior adult community\*

senior citizen(s)\*

senior discount

adults only

empty nesters

golden-agers only

mature complex

mature couple

40+

# of children

one child

*one person*

Must be employed

healthy only

able-bodied

No mentally ill

Couples, couples only

Bachelor pad

Bisexuals, Homosexuals, etc.

Blacks, Caucasian, Chicano, Whites Only  
Catholic, Christian, Moslems, Jews, Hindus....

Roberta Achtenberg, Assistant Secretary for Fair Housing and Equal Opportunity issued a memorandum on January 9, 1995 regarding Advertisements Under §804(c) of the Fair Housing Act. The guideline stated the following regarding religion:

“Advertisements should not contain an explicit preference, limitation or discrimination on account of religion (i.e., **no Jews, Christian home**). Advertisements 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, if such an advertisement includes a disclaimer (such as the statement "This Home does not discriminate on the basis of race, color, religion, national origin, sex, handicap or familial status") it will not violate the Act.

Advertisements 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 of the Act.”

Chinese, Russian, American, Irish, Indian, Italian....  
Near Churches, Mosques, Synagogue  
Colored

English only  
males(s), females only\*\*  
single person  
single woman, man\*\*  
singles only

*\* Permitted to be used only when complex or development qualifies as housing for older persons*

*\*\* Permitted to be used only when describing shared living areas or dwelling units used exclusively as dormitory facilities by educational institutions.*

## **Examples of Words and Phrases Which Are Not Discriminatory:**

Credit check required  
None smokers  
Families welcome  
Family room  
Gated community  
Golf course, nearby  
No pets  
Quiet neighborhood  
References required  
Verifiable income  
Near Manito park  
Swimming pool

### **An Example Of a Discriminatory Ad (Local)**

\$625/1br – 1 Bedroom Apartment

Clean downtown apartment. Located close to shopping and school. Upstairs apartment with new updates. Landlord pays for water, sewer and garbage. No application fee. No smoking, kids or pets (this includes companion animals). We do check criminal history, employer and landlord references. Bring your credit report when applying. If you have a criminal history bring that report with you.

### **An Example Of a Great Ad (Local)**

\$413/2br – 799ft – Now Available For Fall 2014, 2 Bedroom Income Based Apartments

Now available for Fall 2014! Beautiful 2 bedroom units. We usually have a waiting list, but currently have availability! This complex is income based, multi family housing. They will not last long! Excellent price & location. All within walking distance to shopping, bus stop and dining. The complex has lush landscaped grounds, which include; sport courts, playground, bbq & picnic area. Also included is off street parking, 2 on-site laundry facilities and accommodating on-site managers. This is a non smoking, no pet property, companion animals are allowed with the required paperwork. Each apartment comes with kitchen range,

refrigerator, air conditioning, private deck or patio and a storage unit. Also included is water/garbage. If you are interested in these units, please contact our office at ☺ ☺ ☺ for additional information and qualifications. We are an equal housing opportunity.