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Fair Housing and Advertising

Fair housing law prohibits housing providers and the media from printing or publishing an advertisement that indicates a **preference, limitation, or discrimination based on a protected class**. Currently state and federal law protects people from housing discrimination based on an individual's **race, color, national origin, religion, sex, family status, or disability**. State law also protects **marital status** and **source of income**, and some cities or counties protect **age, sexual orientation, gender identity, and/or occupation**.

- Direct discrimination can be avoided by prohibiting such phrases as “No Children” or “White Only”.
- Display ads with people should be representative of the community at large. Pictorial inserts that only show white adults without visible disabilities communicate the same illegal message as the words “non-disabled white adults only”. These imply and intent to exclude certain groups of people.

What else should I know?

- Words that describe behavior--not status--are generally permissible. Examples of acceptable words are “responsible” or “reliable”. If the word “independent” is used, it should be clear that there is no intent to exclude a person with a disability who may need outside assistance with daily life activities may have a service animal.
- Words that describe an attribute of a dwelling unit are permissible unless the ad restricts *who* can live there. For example “family room” or “mother-in-law” apartment are okay as long as it does not really mean only a “mother-in-law” can live there. Similarly “view” or “within walking distance of downtown” are descriptive and acceptable. What would be illegal is “no blind persons” or “no wheelchairs”.
- Age is a protected class in some Oregon cities or counties. Regardless of the area or the protections, beware of ads limiting age, because they may discriminate against families with children.
- Senior housing and “adults only”. Senior housing may exclude families with children, but it must meet certain criteria, including demonstrating an intent to be senior housing. Using “adults only” does not express the intent to be “senior housing”. The ad should indicate the housing is for those over age 55 or age 62 or seniors. Advertising for senior housing must not violate other fair housing law provisions. An ad for “active seniors” may demonstrate discrimination against seniors with disabilities.

- Words that do not directly prohibit a protected class but are “neutral” are permissible. Permissible are phrases like “choice location” “executive home” “private”. But if you know that your client wants you to use “code” words because of an intent to exclude protected class individuals, follow the spirit of fair housing and do not do it.



- Use the HUD fair housing logo whenever possible: www.HUD.gov. You can download this graphic on the HUD website at www.HUD.gov.
- If a dwelling unit has special accessible features (like a wheelchair ramp, strobe vs. audible smoke detector or doorbell, an elevator or an entry with no stairs) mention it in your marketing or real estate listing. **Visit-ability** is a desirable feature in many new housing developments and communities. Visitability means that even if you don’t need accessible features, those added improvements make your home or neighborhood a place where your friends and family can comfortably visit you. Additionally, accessible features are aesthetically pleasing, blending seamlessly into the design and construction of the dwellings and infrastructure. They do not cause the housing to stand out as distinctly for use by people with disabilities.
- Some housing programs require specific size and positioning of fair housing and/or accessibility logos or verbiage on signs and in ads. Failure to meet those requirements may jeopardize funding for the housing development. Know the requirements of your financing terms and other applicable development or compliance standards.
- **Shared housing offers some special advertising exemptions related to gender preference ONLY.** No other protected class groups can be singled out for exclusion. Religious, ethnic, sexual orientation, and marital status preferences stated in the advertising (**either as desired or as excluded**) may lead to a fair housing violation.

Publishers, multiple listing services, website sponsors, bulletin board hosts, newsletter producers, housing information posting services, and those with web links to discriminatory sites have **ALL** been determined to have discriminated because of their participation in publicizing the discriminatory information.

Advertisers should not rely on the owners/operators of the advertising medium to identify and reject ads that may be discriminatory. The originator of the ad has the most responsibility to ensure the content is not discriminatory.