

# FAIR HOUSING ADVERTISING GUIDELINES

What  
messages  
are you  
sending?



## INTRODUCTION

This brochure provides guidelines for REALTORS® concerning their responsibilities under Arizona and federal fair housing laws as they apply to residential real estate advertising.

### What does real estate advertising include?

All forms of advertising, including: flyers, brochures, billboards, mailings, radio and TV ads, newspaper and magazine ads, Internet advertising, real estate signs, business cards and even verbal representations.

### Are real estate licensees the only ones required to comply with this law?

No! *Anyone* placing or publishing an ad is covered.

### How do I know what's right and what's wrong?

Any picture, illustration, word, phrase or combination of them in a housing ad that can reasonably be interpreted as excluding, discouraging a potential buyer or renter because of race, sex, color, religion, handicap, national origin, marital status, or age is not acceptable.

## GUIDELINES FOR COMMON WORDS AND PHRASES

This list on the following page is the product of a work completed by the Arizona Attorney General, AAR and other organizations and housing and publishing groups. It has been approved by the Arizona Association of Realtors on general guidance received from HUD in January 2001. The list includes words frequently used in housing advertising and has three categories:

### ACCEPTABLE

Use of these words will not show a discriminatory preference. (However, when these words are used in a discriminatory context, the fact they are on this list will not protect you.)

### CAUTIONARY

These words may or may not be acceptable depending on the context in which they are used. Always question how you are using these words. All cautionary words are inadvisable if used in a context that states an unlawful preference or limitation.

### NOT ADVISABLE

These words or their synonyms should *not* be used in housing advertising as they will likely show a discriminatory preference.

## GENERAL GUIDELINES AND EXAMPLES

### Families with children

It's probably not a good idea to attempt to define the size of a "family" in your ad or specify the number of persons the landlord may want. Either could be the basis of discrimination against families with children.

### Housing for older persons

"Housing for seniors" or similar language should be used only when you are confident that the housing is exempt senior housing. Exempt housing is: 1) 100% of the occupants are over 62, OR, 2) 80% of the units are occupied by at least one person over 55 years of age AND policies demonstrating the intent to provide housing for older persons are adhered to and prominently displayed."

### Race/Religion/National Origin

Stay away from any references to any race, religion or national origin or any words that could possibly describe a person by any of those categories.

### Handicap (mental or physical)

Avoid words that could indicate to a disabled individual that they are not wanted. Describing amenities that could attract physically active persons is acceptable, but don't use words that describe buyers or tenants. It is permissible to advertise that a property or a unit is handicap accessible.

### Sexual Orientation

A word or phrase which indicates gender in housing could be interpreted as discriminating on the basis of sex.\*\* Federal and Arizona laws do not list sexual orientation as a protected class. However, some localities do have laws that cover sexual orientation and it's probably a good idea to avoid any reference to sexual orientation in advertising.

### Personal habits

Specify the behavior, not the person. It's okay to say "no smoking" or "no drinking", but it's not okay to describe the individual, (e.g., "no smokers").

Words like "responsible" and "quiet" are vague and subject to broad interpretation. They could easily be used in a discriminatory manner, so be careful in your choice of this type of word.

### Proximity codes

Don't use words that refer to race, religion or national origin, (e.g., "near St. Joseph's Catholic church or school"). Instead, use major cross streets or neutral landmarks, (e.g., a shopping mall or park).

Make sure school references do not indicate a preference for a "type" of person desired in the neighborhood. If you use school names, refer only to public schools.

### Property descriptions

"Private driveway" states facts about the property, but "private" or "exclusive" could indicate that certain types of people aren't welcome.

### Catch words

"Code" words, often appearing innocent on first glance, have historically been used to limit prospects' choices. "Prestigious," "private," "secure," "board approval," could be and have been interpreted as discouraging people who wouldn't "fit" in certain neighborhoods. If a word or phrase could be construed to intimidate or exclude, don't use it!

