

## **Advertising and the Fair Housing Act<sup>1</sup>**

Northwest Fair Housing Alliance

### **Question: How does the Fair Housing Act apply to the advertising and marketing of rental properties?**

**Answer:** Federal and State fair housing laws prohibit making, printing or publishing a notice, statement, or advertisement that indicates any preference, limitation, or discrimination based on a protected class (race, national origin, disability, color, religion, sex, familial status, sexual orientation, or marital status). These prohibitions apply to all written or oral notices or statements made by a person engaged in the sale or rental of a dwelling. Written notices and statements include any applications, flyers, brochures, deeds, signs, banners, posters, billboards or any documents used with respect to the sale or rental of a dwelling.

### **Question: How should I describe my rental property?**

**Answer:** Describe the features that make a dwelling desirable, not the targeted audience. You can advertise the square footage, the number of bedrooms, the location, and amenities such as swimming pools. Advertising a single bedroom unit with a deck and garden is permissible; advertising for people without children is not (unless the property has met the legal requirements of the Housing for Older Persons Act to qualify as housing for older persons).

Use of the terms master bedroom, mother-in-law suite, family room, bachelor apartment are commonly used as physical descriptions of housing units and do not violate the Act.

Advertisements describing the conduct required of residents ("nonsmoking," "sober") do not violate the Act.

The use of secularized terms or symbols relating to religious holidays such as Santa Claus, Easter Bunny, or St. Valentine's Day images, or phrases such as Merry Christmas, Happy Easter, or the like does not constitute a violation of the Fair Housing Act.

### **Question: What media can I use to market my rental property?**

**Answer:** Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, handicap, familial status, or national origin.

### **Question: Does the Fair Housing Act apply to photographs in my advertisements?**

**Answer:** Yes. Courts have ruled that a pattern of publishing advertisements with photographs

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<sup>1</sup> This article relies in part upon information provided in *FAIR HOUSING IN WASHINGTON STATE: Top 100 Frequently Asked Questions & Answers for Property Owners and Managers*, Second Edition (June 2004) located at <http://www.metrokc.gov/dias/ocre/provider.htm>.

depicting only one race of individuals can violate the Fair Housing Act. Instead, use photographs that include people of all races, ages, national origin, as well as people with disabilities. This is particularly important if you are running an advertising campaign that will consist of multiple advertisements or advertisements to be published on more than one occasion.

**Question: Does the Fair Housing Act ever allow a landlord to market to specific groups?**

**Answer:** The Fair Housing Act allows you to affirmatively market your units 1) by stating that families are welcome, 2) by advertising that units that are accessible for people with disabilities, or 3) by advertising to seniors, but only if the Housing for Older Person Act requirements have been met. You may also advertise that you welcome applicants on Section 8. Additionally, you may also direct marketing to attracting persons to dwellings who would not ordinarily be expected to apply, when such efforts are pursuant to an affirmative marketing program or undertaken to remedy the effects of prior discrimination in connection with the advertising or marketing of dwellings.

Information provided by Northwest Fair Housing Alliance (NWFHA) is intended to acquaint landlords with issues implicating by fair housing laws, but is not intended as a substitute for legal advice. For more information about NWFHA visit our website at [www.nwfairhouse.org](http://www.nwfairhouse.org).