

# Fair Housing and Advertising



It is important to know and understand fair housing laws and how they relate to advertising housing, so you can ensure you are practicing *responsible, nondiscriminatory advertising*.

The federal Fair Housing Act prohibits discrimination in housing-related transactions, *including advertising*, based on race, color, religion, national origin, sex, disability, and familial status (called “protected characteristics”). State and local fair housing laws in New York also apply to housing advertising and include additional protected characteristics such as sexual orientation, age, marital status, military status, lawful occupation, alienage/citizenship, domestic partnership status, gender identity/expression, status as a victim of domestic violence or stalking, or lawful source of income. These prohibitions apply to publishers of housing advertisements, as well as sellers, landlords, real estate brokers, and other entities involved in advertising housing available for sale or rent.

The definition of advertising is broad and includes print and online advertisements, materials such as brochures or applications, television and radio ads, signs, and even speech. Fair housing laws also apply to housing advertisements on websites, social media, and phone apps. It is important to understand that excluding certain protected audiences or neighborhoods in your online advertisement settings may violate fair housing laws. Verbal communication that occurs in person or over the phone to a prospective tenant, homebuyer, or borrower may be considered a form of advertising.

## What is Prohibited?

When advertising housing, it is illegal to state a preference or limitation based on any protected characteristic such as “no kids,” “English speakers preferred,” and “programs not accepted.” Targeted marketing that excludes persons with protected characteristics or certain neighborhoods because of the predominant race or ethnicity of the residents, also violates fair housing laws. Further, fair housing laws apply to housing advertisements even if the advertisement is for a type of housing that may otherwise be exempt, such as an owner-occupied house. One exception to this is advertising housing for older persons which may state applicable age requirements such as “applicants must be age 62 or older to qualify.”

## Inclusive Advertising

Be inclusive with your advertising. In addition to using advertising methods that will reach the general population in your area, affirmatively market the housing to populations that are least likely to apply to ensure that the housing opportunity is open and available to all people. Advertising designed to expand access to housing is permitted and may be used to reach immigrant or limited English proficiency populations, people with disabilities, or other underrepresented populations.



## General Advertising Guidelines

- Make sure your advertising complies with fair housing laws by focusing on the property and its amenities in your listing — NOT on who you think might be an ideal renter or buyer.
- Do not make statements that exclude persons with protected characteristics or express a preference for one characteristic over others.
- Always include the fair housing logo and/or the “Equal Housing Opportunity” slogan in your advertising.
- Do not exclude persons with protected characteristics from your marketing campaign, such as families with children, people of certain racial or ethnic backgrounds, persons with disabilities, etc.
- If you use human models in your advertisements, ensure that the images are as inclusive and representative as possible so that all populations are welcomed.
- Always give truthful information about the availability, price, amenities, and features of a housing unit.
- Post a copy of your non-discrimination policy and/or a HUD Fair Housing Poster in a conspicuous location in your building or office.
- Use advertising outlets and online tools that reach the broadest audience possible. Broaden— don’t restrict—your market.



## For Print and Online Publishers of Real Estate Ads

- For print publications, do not accept discriminatory advertisements. For online publishers and applications, do not provide a platform or service that creates discriminatory content in housing advertisements.
- Adopt a nondiscrimination advertising policy and distribute to relevant employees and contractors.
- Post a copy of your nondiscrimination policy on your website.
- Publish a notice in the real estate advertising section of your website or newspaper stating that housing advertisements are subject to the Fair Housing Act as well as state and local fair housing laws, which make it illegal to advertise any preference, limitation, or discrimination based on a protected characteristic.