

Internet Advertising: What's Fit to Print!

FAIR HOUSING HIGHLIGHT #37

Over the past few years, the internet has become the preferred way to advertise rental properties. The popular website, www.craigslist.org, for example, accommodates around 40 million classified ads each month. As internet advertising has grown, so have online violations of the Fair Housing Act.

I rent out a property, but it has steep steps and is on a busy street. Can I advertise “no kids allowed”?
NO – the Fair Housing Act states that it is illegal to advertise in a discriminatory manner. An ad violates fair housing laws if it discourages, suggests preferences, or discriminates against potential renters/buyers based on **race, color, religion, gender, national origin, disability, or familial status (having children under 18 in the household)**. This includes print AND online advertising, as well as oral statements, television and radio announcements, etc. You cannot turn someone away because they have children, nor can you advertise it.

My roommate moved out and I'm looking for a replacement. It's a 2B with a shared bathroom. I would prefer a female to live with me since we share the bathroom. Can I advertise for “female preferred”?
The Fair Housing Act does make an exception to gender in shared housing situations. If you are advertising a housing unit in which tenants will be sharing a bathroom, kitchen, or other common area, you may express a preference based ONLY on gender. You may NOT state or show a preference, however, in regards to race, color, religion, national origin, disability, or familial status.

I really want to rent my place to someone who'll take care of it. I think the best person for that is someone like me – a working professional. Can I use the term working professional in my online ad?
While the term “working professional” may not appear to discriminate, using any language that indicates preferences can open a housing provider up to serious liability. When you use language that limits any person's housing choices, you risk violating the Fair Housing Act. For example, a person with a disability who does not work but could nonetheless afford the unit might consider himself ineligible. This language could therefore have a disparate impact on disabled homeseekers and violate the Fair Housing Act.

I have posted ads online for my apartment and I get flooded with SPAM email and scam responses from individuals from other countries. To avoid this problem, can I post “Must be a U.S. Citizen”?
No. Scams from individuals living outside the U.S. are an issue for craigslist posters; however, it is important that you include language that does not deter someone who is a non-U.S. Citizen from wanting to rent the apartment that may be eligible. We suggest that you either state “Will Not Respond to Scams” or “Must meet you in person before signing lease”. You cannot add any language that may be perceived as not wanting to rent to someone due to their ethnicity, citizenship status, place of birth, etc.

I found a discriminatory ad online, but the ad's poster did not put the name or location of the unit. Can the housing provider still be tracked down and made to face penalties?
YES! The FHRC can obtain the IP address of a poster of illegal advertisements. The FHRC can also investigate these advertisements using trained testers to garner enough information about the housing provider to file a complaint. In addition, fair housing organizations work with government agencies to identify posters of illegal content.

A GOOD RULE OF THUMB WHEN CREATING AN ADVERTISEMENT IS TO DESCRIBE THE PROPERTY, NOT THE POTENTIAL TENANTS!

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**