ADVERTISING FOR ROOMMATES OR HOUSEMATES

FACT SHEET # 2

Published by the High Plains Fair Housing Center

This fact sheet will help you in understanding your responsibilities under fair housing laws when advertising for a roommate or housemate. Unfortunately, many people are unaware that discrimination laws apply to advertising for roommates or housemates in housing situations, and, therefore, unknowingly discriminate.

What are fair housing laws? The federal and Indiana fair housing laws protect people from discrimination in housing due to their race, color, religion, national origin, gender (sex), disability (handicap), familial status (presence of children), age, marital status and public assistance North Dakota only), sexual orientation (Grand Forks only). These are commonly called "protected classes." These laws apply to most housing transactions (rental, sales, financing, insurance, zoning or other housing services). Some exemptions to some portions of the fair housing laws exist for smaller housing providers and other limited types of housing.

How do fair housing laws apply to roommates or housemates? Typically, those seeking roommates/housemates are exempt from significant portions of the fair housing laws but these housing providers are still covered by fair housing advertising requirements.

Under the Federal Fair Housing Act, it is unlawful to "make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination."

For example, in most circumstances a person seeking a roommate/housemate could refuse to rent to someone just because of a protected class (this is an exemption allowed for smaller housing providers) but he/she could not post an ad identifying that intention or preference to discriminate due to separate advertising requirements.

What kinds of advertising are covered? All kinds of advertising are covered whether an online or newspaper advertisement, a flyer, posted sign or oral statements. The advertising requirement includes both written advertisements *and* verbal statements. These laws were initially put in place in 1968, yet there continues to be confusion due to the growth of the internet as an online marketplace for advertisements of housing.

What can't be advertised? Anything that references a protected class noted previously should not be advertised.

In shared housing where residents would be sharing a bathroom, kitchen, or other common area, you may express a preference based upon your gender (sex) only. However, it must be the same gender. For instance, advertising female seeking female or male seeking male would be allowed if there is shared living areas. An advertisement noting male seeking female or female seeking male may not be lawful because the shared living exemption is there for privacy and modesty purposes when people reside together. If there is no shared living, then gender should not be referenced at all.

The other exemptions in advertising are narrowly

defined for housing for older persons or housing operated by private clubs or religious organizations.

What can I say in my ad? You can reference anything about the property's amenities, lease terms, etc. You can reference your gender or the gender you are seeking if there are going to be shared living areas. However, you can only reference gender. Do not reference your or your potential roommate/ housemate's religion, race, color, or any other protected class. A good rule is to describe the property, not the people. Some examples of language that would be *unlawful* are below:

- Race or Color: Advertising "white neighborhood," "whites preferred," "I'm not a racist but I prefer to live with whites," "black female seeking same," or saying "no blacks," etc.
- Religion: Advertising "Seeking fellow Christian," "No Muslims," "Prefer Jewish roommate," "Catholic female seeking roommate," etc.
- National Origin/Ancestry: Advertising "ideal for Latinos," "No immigrants or foreigners," "Indian female seeks fellow Indian," or saying "This is a Hispanic neighborhood—you might not feel welcome," etc.
- Disability (Handicap): Advertising "No wheelchairs allowed," "No seeing eye dogs," etc.
- Familial Status: Advertising "No children," "Singles preferred," "Ideal for working professional," or saying "no kids," etc.
- Gender (Sex): Advertising "Male seeking female," "Free rent for female in exchange for sex" or saying "Deposit depends on how intimate we are," etc.

Why can I refuse to rent to someone I'm going to be sharing housing with but not advertise it?

Advertising is a very strict part of fair housing laws because of its impact and the great number of people who may view an advertisement. Advertising plays a major role in determining whether a housing market is truly open and free from discrimination. Advertising that sends a message, no matter how subtly, that a particular group of people are not welcome due to their protected class will discourage those people from seeking information or pursuing the housing.

Such discriminatory advertisements also have an impact through affirming to the reader, whether a home seeker or fellow housing provider, that such language is lawful and thereby allowing or encouraging its continued use. People often copy language they see in other advertisements believing it to be lawful. Because the general public most often believes that such language they view is lawful, if action is not immediately taken on discriminatory advertisements the result is a continued use of the language and an increase of more discriminatory advertisements.

Very often, advertisements also have individuals placing advertisements for roommates/housemates where they self identify their race, color, age or another protected class. This type of self identification indicates to the reader that other races or ages may not be welcome thereby discouraging home seekers from applying and encouraging other placers of advertisements to use the same language.

What happens if I publish an ad in violation of fair housing laws? Housing discrimination is unlawful and a housing discrimination complaint could be filed against you. Typically, enforcement of fair housing laws is performed by the U.S. Department of Housing & Urban Development (HUD), the U.S. Department of Justice (DOJ), the Indiana Civil Rights Commission, and/or the federal and state courts.

REMEMBER—Describe the property, not the people!

If you have any additional questions, please contact the HPFHC.

The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement and advocacy. For more information please contact: **Phone: 701-203-1077 Toll Free: 1-866-380-2738; Email: highplainsfairhousing@gmail.com; www.highplainsfhc.org**

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EQUAL HOUSING OPPORTUNITY