

# FAIR HOUSING ADVERTISING WORD AND PHRASE LIST

## *Describe the Property – Not the People*

The Fair Housing Act prohibits certain categories of discrimination in housing. This federal law prohibits publishing advertisements indicating "any preference, limitation or discrimination based on" the protected categories "with respect to the sale or rental of a dwelling." Id. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a). Oklahoma has adopted a similar law that covers the same categories. See 25 O.S. § 1452 (A)(3).

The categories are: 1. race; 2. color; 3. religion; 4. sex; 5. handicap; 6. familial status, or 7. national origin.

Note: This list is **NOT** all-inclusive. Each word must be considered in context.

### AVOID • AVOID • AVOID

able-bodied  
adult community\*  
adult living\*  
adults only\*  
adult park\*  
African  
agile  
AIDS  
alcoholics, no  
American Indian  
Appalachian  
Asian  
black(s)  
blind, no  
board approval required  
Catholic  
Caucasian  
Chicano  
children, no

child(ren), (number of)  
Chinese  
Christian  
colored  
crippled, no  
church  
deaf, no  
disabled, not suitable for  
drinker(s), no  
employed, must be  
empty nesters\*  
English only  
(ethnic references)  
golden agers\*  
group homes, no  
handicapped,  
not suitable for  
healthy only  
Hindu

Hispanic  
HIV  
Hungarian  
impaired, no  
Indian  
Irish  
Italian  
integrated  
Jewish  
landlord, (description)  
Latino  
married  
mature couple\*  
mature individual\*  
mature person(s)\*  
membership approval  
required  
mentally disabled, no  
mentally ill, no

Mexican-American  
migrant workers, no  
Mosque  
Muslim  
(nationality)  
Negro  
non-drinkers  
non-smokers  
older person(s)\*  
one child  
Oriental  
parish  
park rules,  
must comply with  
Philippine  
physically fit only  
Polish  
preferred community

Protestant  
Puerto Rican  
quiet tenant(s)  
(religious references)  
responsible  
retarded, no  
seasonal workers, no  
senior discount\*  
smoker(s), no  
Social Security Insurance  
(SSI), no  
Spanish speaking stable  
Synagogue  
Temple  
tenant(s), description of  
two people  
unemployed, no  
white, white only

### CAUTION • CAUTION

55 and older community\*  
62 and older\*  
active  
bachelor  
bachelor pad  
close to  
country club, near  
couple  
couples only  
curfew  
exclusive  
executive  
female(s) only  
female roommate

fisherman's retreat  
gay(s), no  
(gender)  
gentleman's farm  
grandma's house  
golden agers only\*  
handicap  
handyman's dream  
heterosexual  
homosexual  
ideal for...  
lesbian(s), no  
male(s) only  
male roommate

man, men only  
membership approval  
required  
Mormon Temple  
mother-in-law apt.  
nanny's room  
near  
newlyweds  
one person  
older person\*  
perfect for...  
person(s), (number of)  
play area, no  
prestigious

quality neighborhood  
restricted  
retired  
retiree(s)\*  
retirement home\*  
safe neighborhood  
Section 8, no  
secure  
seeking same  
senior(s)\*  
senior citizen(s)\*  
senior housing\*  
(sex or gender)  
shrine

singles only  
single person  
single woman, man  
sophisticated  
straight only  
student(s)  
students, no  
temple  
traditional  
two people  
walking distance to...  
woman, women only

### ACCEPTABLE

accessible  
alcohol, no  
assistance animals only  
bedrooms, (number of)  
bus, near  
convalescent home  
convenient to  
credit check required  
den  
desirable neighborhood  
domestic quarters  
drugs, no  
drug use, no

Equal Housing Opportunity  
family, great for  
family room  
first-floor upper  
golf course, near  
great view  
guest house  
handicap accessible  
hobby farm  
kids welcome  
luxury townhouse  
master bedroom  
membership available

(neighborhood name)  
nice  
nursery  
nursing home  
places of worship, near  
play area  
privacy  
private driveway  
private entrance  
private property  
private setting  
public transportation, near

quality construction  
quiet  
quiet neighborhood  
references required  
responsible  
(school district)  
(school name)  
seasonal rates  
secluded  
security provided  
senior discount\*  
single family home

sleeping area(s),  
number of  
smoking, no  
(square feet)  
townhouse  
traditional style  
tranquil setting  
verifiable income  
view of  
view, with  
wheelchair accessible  
winter rental rates

\*Senior housing may be exempt if:

- 1) HUD has determined the housing is specifically designed for and occupied by elderly persons under a federal, state or local government program, or;
- 2) It is occupied solely by persons who are 62 or older, or;
- 3) It houses at least one person who is 55 or older in at least 80% of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

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**QUIZ: FAIR HOUSING**

Think you're pretty well versed in federal fair housing law? Answer these 12 questions to see whether you're ready to tout your fair housing know-how to your clients and customers.

**QUIZZES**

[Take another quiz >](#)

**1. Under federal fair housing laws, it is legal to prohibit which of the following in a housing unit?**

- Smoking
- A live-in caregiver for a resident with a disability
- Drinking alcohol
- Both a and c

**2. Which of the following are violations or potential violations of the Fair Housing Act?**

- A seller tells you he doesn't want to sell to African-Americans
- A sales associate puts the phrase "adults only" in an MLS listing
- Both a and b
- None of the above

**3. Under the federal fair housing law, the seven protected classes include**

- Race, color, source of income, handicap, national origin, marital status, religion
- Race, color, religion, sex, handicap, familial status, national origin
- Race, sexual orientation, sex, familial status, handicap, age, national origin
- None of the above

**4. The fair housing laws prohibit all of the following, except**

- Refusal to show, sell, or rent a property because of disability
- Expressing a preference for young adults in a listing comment
- Evicting a current user of illegal drugs
- Marketing your listings exclusively in a religious publication

**5. The Civil Rights Act of 1866 does which of the following?**

- Grants all citizens the same rights as white citizens to own, purchase, lease, transfer or use real property
- Allows exemptions only for homes sold without the assistance of a real estate practitioner
- Effectively prohibits all discrimination in real estate based on race
- Both a and c

**6. Based on federal fair housing law, which of the following people would be protected:**

- A divorced female, single parent
- A 35-year-old single, Jewish man
- A 50-year-old white man
- All of the above

**7. The Equal Professional Service Model involves all of the following key guidelines except**

- Have I offered a variety of choices?
- Is my client working with another agent?
- Has my customer set the limits?
- Do I have objective information?

**8. When a prospect inquires about the racial makeup of neighborhoods or schools, you should respond by saying:**

- "I believe the neighborhood has a few Hispanic families, I can check and get back to you."
- "The Fair Housing Act prohibits me from providing that kind of information. I recommend you contact the school district, municipal government, or the local library."
- "I wouldn't worry about that, the neighborhood is safe and the schools are good."
- "Residents in this neighborhood value diversity, you'll fit right in."

**9. If a seller using a real estate agent refuses an offer because of the buyer's national origin, who may file a federal lawsuit against the seller?**

- The prospective buyer

- The real estate practitioner
- The federal government
- All of the above

**10. Looking at the following four marketing examples, identify which one is OK under Article 10 of the Code of Ethics?**

- Advertise only in a strategically limited geographic areas that is populated by a particular ethnic group of people.
- Limit advertising to small papers which cater to particular religious groups of people.
- Promote a listing only in selected sales offices in communities with similar ethnic populations.
- Advertising your knowledge of a language other than English in an English-language advertisement.

**11. In an advertisement for a small, two-bedroom house in a neighborhood where many families live, which of the following language is clearly improper under the Fair Housing Act?**

- Small, cozy home in quiet neighborhood
- Two-bedroom home, near playground and senior center
- Family Friendly
- No children

**12. Which of the following features are required in ground floor units of non-elevator multifamily building of four units or more built after March 1991?**

- An accessible building entrance or an accessible route for persons in wheelchairs?
- Accessible and usable public and common use areas?
- Light switches, electrical outlets, thermostat, and other environmental controls in accessible locations
- All of the above.

Submit your quiz for scoring!

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SAMPLE ONLY  
Full document  
not included



# FAIR HOUSING OPENS DOORS

## REALTORS® ARE THE KEY

A REALTOR® is a member of the NATIONAL ASSOCIATION OF REALTORS® who subscribes to a Code of Ethics that protects your right to equal opportunity in housing. A REALTOR® knows that the door to housing must stay open regardless of race, color, religion, sex, handicap, familial status, or national origin.

The Code of Ethics to which every REALTOR® subscribes states:

REALTORS® shall not deny equal professional

services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin.

This level of commitment is another reason to be sure you're working with a REALTOR®—your key to fair housing.



NATIONAL ASSOCIATION  
OF REALTORS®

*The Voice for Real Estate™*



EQUAL HOUSING  
OPPORTUNITY

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**THE COMPLETE FAIR HOUSING ACT CAN BE FOUND**

**AT [www.hud.gov](http://www.hud.gov).**

## Realtor® Fair Housing Declaration

I agree to:

Provide equal professional service without regard to the race, color, religion, sex, handicap, familial status, or national origin of any prospective client, customer, or of the residents of any community.

Keep informed about fair housing law and practices, improving my clients' and customers' opportunities and my business.

Develop advertising that indicates that everyone is welcome and no one is excluded; expanding my client's and customer's opportunities to see, buy, or lease property.

Inform my clients and customers about their rights and responsibilities under the fair housing laws by providing brochures and other information.

Document my efforts to provide professional service, which will assist me in becoming a more responsive and successful REALTOR®.

Refuse to tolerate non-compliance.

Learn about those who are different from me, and celebrate those differences.

Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.

Develop and implement fair housing practices for my firm to carry out the spirit of this declaration.

**FAIR HOUSING COMPLIANCE IN THE 90'S**  
(A two hour continuing education credit course)

**I. What Is Fair Housing?**

Freedom of housing choice. This means that prospective home seekers, regardless of **RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN**, have the right to make an informed choice limited only by their ability to pay.

**II. What Property Is Included?**

Fair Housing laws apply to **RESIDENTIAL** property and **VACANT LAND** intended for the construction of residential buildings.

**III. Who Must Comply with Fair Housing Regulations?**

**A. Everybody except:**

1. Sale or rental of a single family home when the home is owned by an individual who does not own more than **THREE** such homes at one time and when a **BROKER** or **SALESPERSON IS NOT USED** and discriminatory advertising is not used. If the owner is not living in the dwelling at the time of the transaction or was not its most recent occupant, only one such sale by an individual is exempt from the law within any **24** month period.
2. The rental of rooms or units is exempted in an **OWNER-OCCUPIED** one-to-four family dwelling.
3. Dwelling units owned by **RELIGIOUS** organizations may be restricted to people of the same religion if membership in the organization is not restricted on the basis of race, color, national origin, sex, handicap or familial status.
4. A **PRIVATE CLUB** that is not open to the public may restrict the rental or occupancy of lodgings that it owns to its members as long as the lodgings are not operated commercially.



#### IV. Which Laws Apply

##### A. Civil Rights Act of 1866

1. Based on the **14TH** Amendment to the Constitution.
2. Gave everyone the right to own property.

##### B. Civil Rights Act of 1964

1. Prohibited discrimination in any housing program that receives whole or partial **FEDERAL FUNDING**.

##### C. Title VIII of the Civil Rights Act of 1968

1. Prohibited discrimination on the basis of **RACE, COLOR, RELIGION AND NATIONAL ORIGIN** when **SELLING** or **LEASING** residential property.
2. Contained **CRIMINAL** provisions punishable by civil actions.  
Contact: Federal **HUD** (FBI is the enforcer)  
State **ATTORNEY GENERAL** or Department of Human Rights

##### D. Housing and Community Development Act of 1974

1. Added **WOMEN** as a protected class.

##### E. Fair Housing Amendments of 1988

1. Added **FAMILIAL STATUS** including children under the age of 18 living with parents and pregnant women.
2. Added **HANDICAPPED** persons
  - A. Physical or mental impairment that substantially limits one or more of his/her major life activities; the person has a record of having such impairments; or a person is regarded as having such impairments. The term, however, does not cover anyone who uses or is addicted to a controlled substance.

The definition includes not only blindness,

deafness and confinement to a wheel chair, but also diseases that are not communicable through casual contact such as AIDS, cancer and alcoholism.

The 1988 amendments exclude from protection any person who is a transvestite or who presents a current threat to the health, safety and property of others. You can't ask current or prospective tenants whether they have a handicap or the nature and extent of any handicap. Permissible inquiries of the prospective tenants are limited to the ability to meet the obligations of tenancy, previous rental history, and status as current user or distributors of illegal drugs. If the questions are asked of one tenant, they must be asked of all prospective tenants.

**THE LAW JUDGES AGENTS ON THE BASIS OF INTENT AS WELL AS THE EFFECT OF THEIR ACTIONS.**

**THE COMPLAINANT DOES NOT NEED TO PROVE GUILTY KNOWLEDGE OR SPECIFIC INTENT, ONLY THE FACT THAT DISCRIMINATION OCCURRED.**

**V. Conduct Prohibited By Law**

- A. Refusal to **RENT** or **SELL** a dwelling because of race, color, religion, sex, handicap, familial status or national origin.
- B. **STEERING** prospective occupants to maintain the segregated character of a development or group of buildings.
- C. **LIMITING THE USE** of common or community facilities based on the occupant's or guest's race, color, religion, sex, handicap, familial status or national origin.
- D. Applying **MORE BURDENSOME** rental criteria for tenants with regard to race, color, religion, sex, handicap, familial status or national origin.
- E. Advertising that **EXPRESSES A PREFERENCE** for occupants with regard to race, color, religion, sex, handicap, familial status or national origin.
- F. **MISREPRESENTING** the availability of a unit based on the prospect's race, color, religion, sex or handicap, familial status or national origin.

- G. Inducing a person to sell or rent a home by referring to the entry or prospective entry into a neighborhood of persons of a particular race, color, religion, sex, handicap, familial status or national origin. This type of marketing is often called **BLOCK BUSTING** or **PANIC PEDDLING**.

**VI. Conduct Not Prohibited By Law**

- A. Title VIII does not guarantee any person a right to housing or property he/she cannot **AFFORD**.
- B. Under Title VIII, landlords and leasing agents may set rents at whatever the **MARKET** will bear.
- C. Landlords and leasing agents may lawfully refuse to rent to a person with a history of violent, destructive or disruptive behavior as long as the determination is based on **OBJECTIVE** and **RELIABLE** information.
- D. Landlords and leasing agents can adopt and apply uniform, objective and non-discriminatory rental criteria designed to **EVALUATE** a prospective tenant's character, credit worthiness and reliability.

**VII. Rights and Responsibilities of the Parties Involved**

- A. Home Seller/Landlord
1. Unlawful to discriminate on the basis of race, color, religion, sex, handicap, familial status or national origin in any of the means outlined above.
  2. Knowledge that the law mandates **EQUAL TREATMENT** for all property seekers with no denial of equal professional service.
- B. The Home Buyer
1. Knowledge that property is available without discrimination based on race, color, religion, sex, handicap, familial status or national origin.
  2. Knowledge that the law mandates **EQUAL TREATMENT** for all property seekers with no denial of equal professional services.



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## Exempt.

Advertisements relating to the sale or rental of certain dwellings may lawfully express limited preferences. These exemptions are specific and should be carefully considered before being applied. Contact the North Dakota Department of Labor and Human Rights or HUD with any questions related to these exemptions.

Housing for Older Persons: Advertisements for the sale or rental of dwellings designated as housing for older persons may indicate a limitation based on age only (55 or 62 depending on the designation).

Private Clubs: Advertisements for the sale or rental of property owned or operated by private clubs not open to the public may express a preference for club members if membership is not restricted because of race, color, or national origin.

Religious Organizations: Advertisements for the sale or rental of dwellings owned or operated by religious organizations may indicate a limitation to members of the same religion provided that membership is not restricted because of race, color, or national origin.

Shared-Living Housing: Advertisements for housing where living areas are shared by occupants, such as roommates in an apartment or dormitory facilities, may indicate a preference based on sex only.

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**NOTE:** Even though under certain conditions the sale or rental of single family homes and units in buildings intended for occupancy by four or fewer families are exempt from housing discrimination laws, advertisements for such sales or rentals may not express preferences or limitations.

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## Terms to Avoid

To help avoid liability, words or terms that connote any of the protected categories should be avoided. While not an exhaustive list, the following are some examples of terms that may be viewed as unacceptable in advertisements for the sale or rental of a dwelling:

adult, bachelor, couple, family,  
mature, no children, one person, retired,

sex, single, tw  
executive, exclu  
membership, ap  
religious, appro  
senior citizens, religious landmark, older persons, physically fit person, race, restricted, senior discount

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## Bottom Line

In general, the rule of thumb when advertising the sale or rental of a dwelling is to describe the property, NOT the person.



The work that provided the basis for this publication was supported by funding under a cooperative agreement with HUD. The substance and findings of the work are dedicated to the public. The North Dakota Department of Labor and Human Rights is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the U.S. Government.

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## Note on sources:

The information provided in this brochure was compiled from a variety of sources including the January 9, 1995, HUD "Achtenberg Memorandum" and "How to Write Real Estate Ads that Compete Fairly," a 1999 publication of the Newspaper Association of America.

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Have Additional Questions?  
Need assistance with this information?  
Contact us at:

**North Dakota Department of  
Labor and Human Rights**  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone - (701)328-2660 or 1-800-582-8032  
TTY (Relay ND) - 1-800-366-6888 or-6889  
Fax - (701)328-2031  
E-Mail - labor@nd.gov  
Web site - nd.gov/labor

# Housing-Related Advertisement:

## Guidelines on How to Advertise Without Violating Housing Discrimination Laws



## Discriminatory Advertising

In addition to discriminatory housing practices such as refusing to sell or rent a dwelling, falsely denying the availability of a dwelling, and refusing to make a reasonable accommodation for a disabled person, state and federal housing discrimination laws prohibit advertising about the sale or rental of a dwelling in a manner that indicates a discriminatory preference.

Under North Dakota Century Code section 14-02.5-03, it is unlawful to make, print, or publish or effect the making, printing, or publishing of a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates any preference, limitation, or discrimination or the intention to make a preference, limitation, or discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

Consistent with the Federal Fair Housing Act, advertisement under this section refers not only to published ads in newspapers but also to any other statements that are written, verbal, or non verbal. Discriminatory advertisements include but are not limited to applications, brochures, signs, banners, photographs, symbols, human models, and spoken words and phrases which convey that dwellings are available or are not available to a particular group of persons because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

Those potentially liable for discriminatory advertising include advertising media, advertising agencies, and all other persons who use advertising to make, print or publish, or cause to be made, printed or published, advertisements with respect to the sale, rental or financing of a dwelling.

In determining whether advertising constitutes a discriminatory housing practice, courts have generally applied a "reasonable person" standard. This means that liability is incurred by a person or entity if they make an advertisement that indicates a preference and that preference is readily apparent to an ordinary reader.

*The North Dakota Department of Labor and Human Rights is committed to educating the public about housing discrimination laws and to functioning as a neutral third-party in objectively and efficiently resolving housing discrimination complaints.*

## HUD Guidance

The Department of Housing and Urban Development's (HUD) Fair Housing and Equal Opportunity office has issued the following guidance to its field staff with regard to determining what does and does not constitute unlawful discrimination under the Federal Fair Housing Act:

### Race, Color, National Origin

Real estate advertisements should not state preference or limitation on account of race, color or national origin. Use of words describing the housing, the current or potential residents, or the neighbors or neighborhood in racial or ethnic terms such as "white family home" or "no Irish" will create liability under the law.

### Religion

Real estate advertisements should not contain explicit preference, limitation, or discrimination on account of religion. Advertisements that state preferences such as "no Jews" or "Christian home" will create liability under the law. Ads using the legal name of an entity that contains a religious reference or a religious symbol (such as a cross), standing alone, may indicate a religious preference. However, if a disclaimer is included in the ad that the entity does not discriminate based on a person's status in a protected category then the ad would not violate the law. Advertisements containing descriptions of properties such as "apartment complex with chapel" or services such as "kosher meals available" do not on their face state a preference and are not violations of the law. The use of secularized terms or symbols relating to religious holidays such as "Santa Claus," "Easter Bunny," or "St. Valentine's Day," or phrases such as "Merry Christmas" or "Happy Easter" do not constitute a violation of the law.

## Sex

Advertisements for single family dwellings or separate units in a multi-family dwelling should contain no explicit preference or limitation based on sex. Terms such as "master bedroom," "mother-in-law suite," and "bachelor apartment" are commonly used as physical descriptions of housing units and do not violate the law.

## Disability

Real estate advertisements should not contain explicit exclusions or limitations for persons with disabilities. An advertisement would be unlawful, for example, if it indicated "no wheelchairs." Advertisements containing descriptions of properties such as "great view," "fourth floor walk-up," "walk-in closets," or descriptions of services or facilities such as "jogging trails" do not violate the law. Ads describing conduct of individuals such as "non-smoking" or "sober" do not violate the law. Advertisements that describe accessibility features such as "wheelchair ramp" are lawful.

## Familial Status

Advertisements may not contain limits on the number or ages of children or state a preference for adults, couples, or singles. Advertisements describing properties ("two bedroom" or "family room"), services or facilities ("no bikes allowed"), or neighborhoods ("quiet streets") are not on their face discriminatory and do not violate the law.

## State-Only Protected Categories

In addition to the protected categories covered in the HUD guidelines, it is unlawful under state law for advertisements to express any preference or limitation because of age (over 40), marital status, status with regard to public assistance, or status as a victim of domestic violence in certain circumstances.