Fair Housing and Advertising

Fair Housing laws prohibit housing providers (agents and brokers, owners / sellers, landlords, and property managers, etc.) and the media from stating, printing, or publishing any preference, limitation or discrimination based on a protected class. Federal and state protected classes include: race, color, national origin, religion, gender, marital status, disability, sexual orientation, and age.

Advertising Dos & Don’ts:
- Direct discrimination such as “no children” or “Christians only” should be strictly avoided.
- If you use images and pictures in your advertising, be careful that they depict the community’s breadth of diversity in ability, gender, race, etc. In other words, marketing pictures that show only white adults with no visible disability may be perceived as illegal discrimination (despite whether or not that was the intent) as if the words, “able-bodied white adults only” were used.
- Focus your words on the property, not who lives there or whom you (or the seller, or the neighbors...) think should live there.
- Words that describe the dwelling are permissible unless it conveys actual restrictions as to who can live there. For example, “bachelor apartment” is fine, so long as you don’t limit access only to non-married males. Similarly, “view” and “within walking distance” and “walk-in-closet” are all fine.
- When advertising a designated senior community, the words independent and active should not be used unless it is clear there is no intent to exclude those with a disability.
- Use caution with phrases such as “choice location,” “exclusive home,” “exclusive community,” etc. If phrases such as these are used (or perceived to be used) as code words to hide the intent to discriminate based on protected class, there could be a fair housing issue.

Suggestions
- Use the fair housing logo available at the HUD website.
- If the unit is accessible or has other features of benefit to those with any number of disabilities, promote those amenities.

*There are only two types of senior housing (55+ and 62+) legally allowed to exclude families with children. The law is very clear and specific about this exception, including qualifying ratio.

Working With Clients Who Speak Limited English

According to 2005 statistics, 10% of Oregon’s population is “foreign born” and 25% of them self-identify as not speaking English well. Thirteen percent indicate they do not speak English at all. Many landlords contact the FHCO to find out what their responsibilities are when it comes to working with clients who speak little or no English. (We usually refer to this population as LEP clients...short for “limited English proficiency “clients.”) Unless the housing you own or manage is subsidized with federal funding, you currently do not have a requirement to provide translation (written) or interpretation (spoken) services for your LEP clients. However, HUD has recently published a four factor analysis, which applies to federally funded housing. This analysis is a good business tool to apply to your private market management practice to ensure your clients understand their lease requirements and your expectations.

HUD’s Four Factor Analysis:
1. 1000 or more individuals in a language group = translate vital documents
2. More than 5% of your clients (and more than 50 individuals) in a language group = translate vital documents
3. More than 5% of your clients (but less than 50 individuals) in a language group = have a written notice in the language that interpretation services can be made available.
4. Less than 5% of clients and less than 1,000 individuals in a language group = no need for written translation of materials. More information on serving the LEP population is available at www.LEP.Gov.