

The Fair Housing Discrimination List by the Fair Housing Council

It's the stuff of urban legends. It always comes up in fair housing trainings – be it classes I attended years ago as a sales agent, or in classes I conduct for the Fair Housing Council now. Everyone's heard of it; everyone wants to know how to get his/her hands on it...some call it the “Red Light/Green Light” list; others have dubbed it with the classy moniker of the “No-No” list. That infamous, non-existent list of words one should never utter; a list that if ardently avoided would keep one safe from fair housing complaints or violations.

I've got news for you folks; “The List” is a myth! HUD, the federal regulatory body with the power to enforce the Fair Housing Act, does not have such a list. We at the Fair Housing Council (FHCO) have never had such a list. What most people probably recall are lists that newspapers have published for advertisers to help insult and ensure protection against a fair housing violation that would name them as well as the housing provider placing the ad. These media lists are often more conservative than we are, essentially because these publications are very sensitive to being slapped with a fine or lawsuit.

Realtors and those familiar with computerized multiple listing services may have experienced coding that can newly input listings for verbiage that may violate housing laws. Please don't be intimidated or put off by these electronic programs; they don't know if you typed “white picket fence” or “whites only”. When you're asked to review your listing, simply double check it and know that a living, breathing human will follow up to review it as well.

Now, the myth of the list has spawned many urban legends, which I would like to debunk and/or explain here:

Walk-in Closet – This is a common feature in many homes and is commonly understood to refer to such. So long as you don't go on to imply that (or limit access to) someone who isn't ambulatory can't use the closet or live in the home, you're fine!

View Property: Same as above. So long as you don't limit access to the view property to sighted individuals, there's nothing wrong with using the word “view” to describe a property with such an amenity. That is opposed to a case in which a landlord refused to tour an available unit with a blind applicant saying, “Why should I bother; you can't see it anyway!” That, my friends, is discriminatory and illegal.

Mother-in-law Suite and Bachelor Apartment: Guess what; they're fine so long as you don't really mean that only a mother-in-law or a single male can live in the unit.

What about “Near”? Now, we're getting into a more complex issue. It's not uncommon to see promotional verbiage indicating close to shopping, transit, etc. This is fine. However, you begin to cross the line with fair housing law if you say “near the ABC

mosque” or close to the XYZ church.” Referencing religious or cultural sites – even though they are valid landmarks, may have what we call a “chilling effect” and can be illegal. Let’s say a synagogue or Jewish community center is referenced and the housing consumer reading isn’t of that faith or ethnic background. They may feel that they’re not welcome there and this chilling effect can have a discriminatory impact whether it was intended to or not.

Another touch issue is referencing local schools. National sales tests have found that schools are sometimes used as a proxy for where to buy a home. That is, some agents encourage buyers to look at and buy homes in school districts whose demographics are consistent with that of the buyer. White testers were told the virtues of predominately white schools (and by association, their neighborhoods); the exact schools agents told white testers to avoid.

Simply listing the school district and schools that serve the area is fine so long as you do this with all of your properties. Referring housing consumers to the district’s office or website for school stats and other information from which they can develop their own opinion in is a safe strategy so long as it is applied neutrally and consistently. Touting certain schools over others is less so and we don’t recommend it.

Of course, any good list (if we were to create one) would include the following blatantly discriminatory statements:

- No minorities
- African Americans and Arabians tend to clash with me so that won’t work out
- Ladies, please rent from me.
- Requirements: Clean, Godly, Christian Male.
- Will allow only single occupancy and
- No Children

All of these illegal statements (and many more) have been posted on the online service Craigslist. Housing providers that use illegally discriminatory statements such as these – and potentially the hosting website – are liable for having violated the Fair Housing Act. As is the landlord who told one of our staff that she had advertised “Christians Only” for 20 years. It doesn’t matter where you advertise – newspapers, flyers, yard signs and yes even free advertising and verbal statements – fair housing laws apply.

For questions about your rights and responsibilities under fair housing laws, visit www.fairhousing.com.

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