



FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS

February 2019

State and Local Governments Push to Expand Protected Classes

When community owners and operators think of housing discrimination involving protected classes of persons, they most often think of the Fair Housing Act. Passed fifty years ago, this federal law prohibits discrimination in housing based upon race, color, religion, national origin, sex, disability and familial status.

However, along with the federal law, each state and many local governments also have separate versions of the law. Often called Human Rights laws or ordinances, these laws can expand the classes of persons protected from housing discrimination.

And, community owners and operators are obliged to follow these laws, as well as the federal Fair Housing Act.

Currently, forty-seven state general assemblies are in session. The other three states gavel in later this spring.

The Manufactured Housing Institute continues to work with state associations by assisting in tracking proposed state bills. State Fair Housing/Human Rights laws is one area we track legislation.

Since January, over 200 bills have been filed in thirty-four states aimed at expanding the number of protected classes under state law. While many of these bills deal with prohibiting discrimination based upon sexual orientation or gender identity, other new classes are being proposed as

well.

If you are interested in bills being proposed in your state, we recommend you contact your state association for further information and ask how you can assist in its lobbying effort.

Additionally, more cities and counties are expanding their local Human Rights ordinances.

For instance, just recently, Kansas City added victims of sexual domestic violence to its list of persons protected from housing discrimination – a slow growing trend in both state and local laws.



Are Your Advertisements Fair Housing Compliant?

Title VIII of the Civil Rights Act of 1968 makes it illegal to discriminate in any type of housing based upon race, color, religion, sex, national origin, disability or familial status, the so-called “protected classes.”

And while most people understand how that law applies to people walking into a rental office or sales center, it also applies to advertising.

The Fair Housing Act specifically provides that it is illegal to advertise for the rental or sale of any housing in a way that might indicate discrimination against a protected class.

For instance, an advertisement which states “No Children” would be an example of an advertisement that violates the familial status prohibitions in the Fair Housing Act.

However, advertisements held in violation are not always that black-and-white. Advertising that a community is “perfect for mature professionals” might also be deemed to be in violation.

These principles apply to all advertising.

Whether it’s traditional advertising (like television, radio or newspapers, or nontraditional advertising (like on-line bulletin board services), ads must comply with Fair Housing standards.

BEST ADVERTISING PRACTICES

1. Advertise the virtues of the property itself instead of the types of tenants desired.
2. Include the Fair Housing logo in all advertising, including listings with online services, such as Craig’s List.
3. HUD’s Equal Housing Opportunity Logos [may be found here](#).

ADVERTISING TO ATTRACT PROTECTED CLASSES

The Fair Housing Act prohibits ads that show discrimination against protected classes. There is nothing in the law that prohibits advertising to attract protected classes as residents. Thus, an advertisement stating the property has a “family playground” or a “handicapped accessible club-house” is legal.

If you have any questions regarding Fair Housing or would like back issues, please contact MHI's Senior Vice President of State and Local Affairs and General Counsel, Rick Robinson at rrobinson@mfghome.org.

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