



# FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS.

FEBRUARY 2018

## Does Your Advertising Meet Fair Housing Standards?

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 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 perfectly acceptable under the Fair Housing Act.



# Legislation Regulating Emotional Support Animals Gain Support

With television stories about airline passengers claiming their pet [peacocks](#) and [turkeys](#) should be allowed onboard flights for emotional support, state legislatures are getting tough on people that fraudulently misrepresent the status of an animal in order to gain special treatment in housing.

The issue of emotional support animals is not new to those in the manufactured housing industry. For years, community owners and operators have been dealing with people claiming emotional support status for everything from pit bulls to alligators should be provided special protection under the Fair Housing Act.

This year, aided with sample legislation from the Manufactured Housing Institute (MHI), many state legislatures are considering legislation making it a crime to fraudulently misrepresent the therapeutic need for an animal. Many of those bills would also hold landlords harmless for injuries caused by animals with such special designation.

The movement started two years ago when [this bill](#) passed in Colorado. Last year, [Maine](#) took action on the liability portion of the support animal situation. [New York](#) passed a bill to examine the need for standards. And finally, last year, [Virginia](#) and [Wyoming](#) passed bills making misrepresentation of an emotional support animal a crime.

The numbers of bills being filed have drastically increased this year. Most support MHI's view of restricting the fraudulent use of emotional assistance animals and, in many cases, are based upon MHI's sample bill. Those states considering bills are: [Alabama](#)

(passed House 98-0 w/54 cosponsors), Arizona (three bills [here](#), [here](#) and [here](#)), [California](#), Georgia (four bills [here](#), [here](#), [here](#) and [here](#)), Hawaii (four bills [here](#), [here](#), [here](#) and [here](#)), Iowa (two bills [here](#), and [here](#)), Illinois (to be introduced shortly), [Indiana](#) (passed Senate 38 -10), [Massachusetts](#), Michigan (four bills [here](#), [here](#), [here](#) and [here](#)), Minnesota Three bills [here](#), [here](#) and [here](#)), [Mississippi](#), [Nebraska](#), New Jersey (four bills [here](#), [here](#), [here](#), and [here](#)), New York (eight bills [here](#), [here](#), [here](#), [here](#), [here](#), and [here](#) – passed Senate), [Ohio](#), [Oklahoma](#), [Pennsylvania](#), [South Dakota](#), Washington (two bills [here](#) and [here](#) – passed the House), [Wisconsin](#), and [West Virginia](#).

MHI General Counsel Rick Robinson is currently scheduled to testified before Kentucky's House Standing Committee on Licensing, Occupations, and Administrative Regulations on the need for legislation ending abusive practices relative to emotional support animals. The Committee's Chair, Rep. Adam Koenig, is the sponsor of [this legislation](#) on the topic and asked Robinson to testify in support of his bill.

For additional information on how you can assist with any pending state legislation, please contact your state association executive director.

