



FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS

Special Edition

HUD Files Fair Housing Complaint Against Facebook

The Department of Housing and Urban Development (HUD) has filed a [Complaint against Facebook](#) claiming it has allowed “landlords and home sellers to use its advertising platform to engage in housing discrimination.”

According to HUD’s [press release](#), “Facebook enables advertisers to control which users receive housing-related ads based upon the recipient’s race, color, religion, sex, familial status, national origin, disability, and/or zip code. Facebook then invites advertisers to express unlawful preferences by offering discriminatory options, allowing them to effectively limit housing options for these protected classes under the guise of ‘targeted advertising.’”

“The Fair Housing Act prohibits housing discrimination including those who might limit or deny housing options with a click of a mouse,” said Anna María Farías, HUD’s Assistant Secretary

for Fair Housing and Equal Opportunity. “When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it’s the same as slamming the door in someone’s face.”

The Complaint alleges Facebook’s current platform for home sales and rentals allows users to purposely filter advertisements for housing away from persons that are protected under the Fair Housing Act. The [press release](#) notes that advertisers on Facebook are allowed to:

- “display housing ads either only to men or women;
- not show ads to Facebook users interested in an “assistance dog,” “mobility scooter,” “accessibility” or “deaf culture”;

- not show ads to users whom Facebook categorizes as interested in “child care” or “parenting,” or show ads only to users with children above a specified age;
- to display/not display ads to users whom Facebook categorizes as interested in a particular place of worship, religion or tenet, such as the “Christian Church,” “Sikhism,” “Hinduism,” or the “Bible.”
- not show ads to users whom Facebook categorizes as interested in “Latin America,” “Canada,” “Southeast Asia,” “China,” “Honduras,” or “Somalia.”
- draw a red line around zip codes and then not display ads to Facebook users who live in specific zip codes.”

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HUD Sues Facebook (continued)

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Facebook has responded that discrimination is strictly prohibited by its policies and they will respond in court, while continuing to work with HUD on the issues raised in the Complaint.

The case against Facebook is what is referred to as a Secretary-Initiated Complaint. This means it was brought by HUD Secretary Ben Carson because the issue is national in scope. And, the action comes following a recent announcement by HUD that the focus of fair housing enforcement is shifting to a goal of promoting more housing development overall.

As HUD begins its formal fact-finding process against Facebook, MHI encourages **ALL** manufactured housing communities, retailers and manufacturers to review their on-line advertisements to determine if their targeting follows a pattern outlined in HUD's [Complaint](#). Any targeting of advertisements that purposefully excludes classes of persons protected from discrimination under federal, state or local law should be discontinued **IMMEDIATELY**.



And while 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” or similar protected class targeting is acceptable under the Fair Housing Act.

ADDITIONAL BEST ADVERTISING PRACTICES

1. Advertise the virtues of the property itself instead of the types of tenants desired.
2. Do not exclude protected classes in your social media targeting.
3. Include the Fair Housing logo in all advertising (traditional and social media).
4. HUD's Equal Housing Opportunity Logos may be [found here](#).

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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