

## Fair Housing Guidelines

### LIST OF WORDS OR PHRASES TO AVOID

**§ 45.181. Words to be avoided.**

(a) It is unlawful to use the following words or phrases in housing advertisements unless used in a clearly nondiscriminatory context such as "white cabinets" or "French doors." The list is neither intended nor reasonably able to be all inclusive. It is also unlawful to use words or phrases not appearing on the list, but which are used in a context which may be reasonably interpreted as indicating an unlawful discriminatory intent.

Able-bodied

Adult-If the housing is "housing for older persons" as defined by the Federal Fair Housing Act (42 U.S.C.A. §§ 3601-3619 and 3631) and the act, it is appropriate to say so.

(i) A newspaper/publisher may publish an advertisement for housing, and be held harmless for liability for an advertisement which uses the terms "senior housing," "senior community," "retirement community," If the advertiser provides a statement formally, in writing, to the newspaper/publisher that the property being advertised meets the requirements for housing for older persons as defined in the act.

(ii) Equivalent phrases referring to persons 55 and 62 and older such as "adult community, 55 and over," "adult community, 62 and over," "adult 55+," "adult 52+" to describe housing for older persons, will also be acceptable.

(iii) The term "adult" alone or with terms that do not meet housing for older persons requirements will remain unlawful terms as a description of housing for older persons.

African American

Asian

American

Ancestry (any)

Black

Blind

Buddhist

Catholic

Caucasian

Chicano/Chicana

Child/children-Restrictions, unless "housing for older persons."

Chinese

Christian

Church, near

Color (any when used to describe persons)

Colored

Couple

Crippled

Deaf

Disability (any)-It is acceptable to describe housing as accessible to persons with disabilities. It is not acceptable to attempt to limit the housing to certain persons by stating

that it is not accessible.  
Disabled

Empty nester  
Ethnic neighborhood  
Ethnic group (any)

Foreigners

Handicapped  
Hindi  
Hispanic

Ideal for. . . (a type of person)  
Immigrants  
Independently, capable of living  
Indian  
Integrated  
Interracial  
Irish

Jew/Jewish

Latino/Latina

Mentally handicapped, ill, retarded  
Mexican-American  
Middle Eastern(er)  
Minority  
Mixed community  
Mormon  
Moslem  
Mosque, near  
Muslim

Nationality (any)  
Newlyweds

Parish, near  
Perfect for. . . (a type of person)  
Polish  
Prefer  
Protestant  
Puerto Rican

Race (any, when used to describe a person)  
Religion (any, when used to describe persons)  
Retarded  
Retired persons, retirees-If it is "housing for older persons,"  
as defined by the Federal Fair Housing Act and the act, use that phrase, as many

people who are retired may not qualify for housing for older persons while many people still working may in fact be eligible for housing for older persons.

Segregated

Senior Use-"housing for older persons," as defined by the Federal Fair Housing Act and the act. See note under adult and retired persons. Many people who do not consider themselves senior may be eligible for housing for older persons.

Suitable for  
Synagogue, near

Temple, near

White

Young  
Youthful

(b) Any of the words in subsection (a) may be used if they are part of an address. For example, Poplar Church Road, Lutheran Street, Churchville, Black Ridge or Indian Hills, and the like, are permissible.

#### **ADDITIONAL REQUIREMENTS**

##### **§ 45.191. Advertisements.**

(a) Advertisements published within this Commonwealth are covered by this chapter regardless of the locality of the property or financial institution.

(b) Except to the extent allowed by §§ 45.172(b), 45.174(b) and 45.175(b) (relating to familial status/age; religion; and sex), it is unlawful to advertise any discriminatory preference or limitation, even if the property is otherwise exempt from coverage under the act.

(c) When an advertising campaign includes pictures of individuals or families, the advertiser has the responsibility to alternate the picture from time to time to include a variety of protected classes in the advertisement.

##### **§ 45.192. Affirmative defenses**

It shall be an affirmative defense precluding a finding that an advertiser has knowingly and willfully violated the act and this subchapter if the advertiser has complied with one of the following:

(1) Attempted, in good faith, to comply with the list and specific examples of impermissible housing advertisements described in this subchapter.

(2) A written advisory of the Commission concerning what constitutes appropriate housing advertisements. The Commission will maintain the written advisory on file and provide a copy of the advisory to the advertiser. To obtain an advisory, the advertiser shall telephone the Commission Housing Division at (717) 787-4055 or write to the Commission, 101 S. Second Street, Suite 300, P.O. Box 3145, Harrisburg, Pennsylvania 17105-3145, Attn: Housing Division, and indicate the language of the advertisement in question. Appropriate Commission housing staff will inform the advertiser of its decision on the ad and follow-up with a written advisory within 10 working days.

(3) Made reasonable efforts in good faith to comply with the act.

**§ 45.193. Good faith efforts.**

An advertiser will be deemed to have acted in good faith if the advertiser complies with one or more of the following:

(1) As to an advertisement for "housing for older persons," as defined by the Federal Fair Housing Act (42 U.S.C.A, §§ 3601-3619) and the act, if the advertiser produces a signed written statement by a housing provider which states that the facility or community complies with the requirements of the housing for older persons exemption and the advertiser has no actual knowledge that the facility or community is not actually eligible for the exemption.

(2) If the word or phrase complained of is in compliance with the list in § 45.181 (relating to words to be avoided) and is not, on its face, discriminatory within the context of the advertisement.

(3) If the advertiser produces a written Commission advisory obtained by use of the procedure in § 45,192(2) (relating to affirmative defenses), that the language complained of is legal, within the same context in which the advertiser requested the opinion from the Commission.

**§ 45.194. Federal regulations.**

Federal regulations published by the Department of Housing and Urban Development, regarding housing advertisements in areas of concurrent jurisdiction, shall preempt anything to the contrary in this subchapter.