



## Fair Housing Advertising Word and Phrase List

### Describe the Property – Not the People

Fair housing is the right to purchase/rent/sale housing free from unlawful discrimination. The Fair Housing Act prohibits any preference, limitation, or discrimination based on a person's race, color, national origin, religion, sex, disability (mental or physical) or familial status.

The following advertising word and phrase list\* is intended only to provide a guideline for best practices. This list should not be taken as legal advice, and if you have specific questions, **consult an attorney**.

\*This list is NOT all-inclusive. A general list cannot include every word, phrase, or cover every situation. Each word or phrase must be considered in context. State and local laws may impose additional protected classes and requirements beyond federal law.

#### **When in doubt:**

- **Do Not Use** ethnic references (e.g., Black, Caucasian/White, Asian, American Indian)
- **Do Not Use** nationalities (e.g., Chinese, African, German, Italian)
- **Do Not Use** religious references (e.g., near temple, mosque, church, Christian, Muslim, Catholic)
- **Do Not Use** sex, gender or sexual orientation (e.g., male, female, transgender, homosexual, gay)

#### **Important: Conduct vs. Status**

A key distinction under the Fair Housing Act is between conduct-based and status-based restrictions:

- **ACCEPTABLE** (conduct): "No smoking," "No drinking," "No drug use on premises" — these restrict behaviors, not people.
- **UNACCEPTABLE** (status): "No Alcoholics," "No AIDS," "Healthy only" — these describe a person's disability status, which is a protected class.

When in doubt, describe what is or is not permitted on the property — not who you want (or don't want) as a tenant or buyer.

**REMINDER:** Service animals and support animals are not considered pets under federal and state law.

### **DIGITAL & AI ADVERTISING — SPECIAL CAUTION**

Online and AI powered advertising are not exempt from Fair Housing laws. Violations can occur even when ad text is neutral, if targeting or automated tools produce a discriminatory effect.

#### **Social Media & Online Ad Targeting:**

- Do NOT target or exclude audiences based on age, zip code, neighborhood, ethnicity, religion, or other characteristics tied to protected classes.
- Facebook/Meta, Google, and similar platforms have Fair Housing special ad category requirements — always select them when advertising housing.



**Automated Tools (CRMs, chatbots, lead-routing software):**

- These tools are subject to Fair Housing rules. Audit automated tools for disparate impact.
- Consult legal counsel before adopting new automated or AI-powered tools in your practice.

**AI-Generated Listing Descriptions:**

- Always review AI-generated content for embedded bias or protected-class language before publishing.
- HUD has advised that using protected characteristics in AI screening or advertising — even unintentionally — can constitute a Fair Housing violation. Claiming unawareness is not a valid defense.

**UNACCEPTABLE**

TERM / PHRASE	TERM / PHRASE	TERM / PHRASE
Able-bodied	Mature couple	No play area
Active adult community	Mature individual	No teenagers (unless HOPA*)
Adult living	Mature persons	No unemployed
Adults only	Mother-in-law suite**	Not for Handicapped
Agile	Must be employed	Older person
Couples only	Near church(es)	One person
Criminal record not accepted†	Near synagogue	Only Christians need apply
Empty nesters	Near temple	Only one child
Ethnic references	Newlyweds	Perfect for young professionals**
Exclusive Neighborhood	No Alcoholics	Physically fit
Felons need not apply†	No AIDS	Quiet tenants only
Granny flat**	No children (unless HOPA*)	Racial References
Healthy only	No gays or lesbians	Reference to Nationality
Heterosexuals only	His and hers [closets/baths]**	Religious references
Safe neighborhood	She Shed	Single person
Singles only	Stable	Walking distance** (use 'within X miles of')

† Criminal history language: Advertising blanket exclusions (“felons need not apply,” “criminal record not accepted”) is strongly discouraged. HUD guidance on criminal background screening continues to evolve. Any screening policy must be consistent, documented, and related to legitimate safety concerns.

Please **consult an attorney** before advertising any criminal history restriction.

\*\* Newly added based on current industry guidance and emerging best practices as of 2026. See also the Use With Caution section below.

**USE WITH CAUTION — PREFERRED ALTERNATIVES EXIST**

The terms below are not clearly prohibited under current federal law, but carry reputational risk, are trending out of industry use, or require narrow fact-specific conditions to be permissible. Using the preferred alternatives listed is strongly recommended.

USE WITH CAUTION — TERM OR PHRASE	PREFERRED ALTERNATIVE
Master suite / Master bedroom	Primary suite, Owner’s suite, Primary bedroom
Mother-in-law suite	ADU (Accessory Dwelling Unit), Guest suite



USE WITH CAUTION — TERM OR PHRASE	PREFERRED ALTERNATIVE
Granny flat	ADU (Accessory Dwelling Unit), Guest suite
His and hers [closets/bathrooms]	Dual closets, Double vanity, Two separate closets
Walking distance to [location]	Within [X] miles/minutes of [location], Close to [location]
Perfect for young professionals	Close to downtown, Near transit, Open floor plan
Grandma's house* (non-HOPA use)	Charming home, Classic home (HOPA communities: see footnote)
Female or male roommate‡	Roommate needed (see footnote — narrow exception only)

\* HOPA Community: Terms marked with an asterisk may be used only when housing meets the Fair Housing Act criteria for "housing for older persons." Always verify HOPA qualification before use.

‡ Female or male roommate: Permissible only in owner-occupied, shared-living situations under a narrow HUD exemption. Please **consult an attorney** before use in any advertising.

### ACCEPTABLE

TERM / PHRASE	TERM / PHRASE	TERM / PHRASE
(Neighborhood Name)	Equal Housing Opportunity	On bus line / Near transit
(School district / School name)	Family room	Play area
___ Square feet	First Time Buyer	Prestigious
Accessible	Fixer-upper	Privacy
ADU (Accessory Dwelling Unit)	Gated community	Private driveway / entrance
Assistance animals only	Golden agers* (HOPA only)	Private setting with view
Board approval required	Guest House	Quality construction
Close to downtown	Handyman's dream	Reference required
Convalescent home	Luxury townhomes	Retirees* (HOPA only)
Credit check required	Membership approval required	Screened for income & credit
Den	Near country club	Secluded
Description of amenities	Near golf course	Security provided
Domestic quarters	Near mass transit	Seasonal rates
No drinking	Near places of worship	Senior citizens* (HOPA only)
No drugs / No drug users	Neighborhood	Senior discount
No smoking	Nice	Senior housing* (HOPA only)
Number of bedrooms	Nursing home	Seniors* (HOPA only)
Nursery	Primary suite / Owner's suite	Single family home
On bus line / Near transit	Starter home	Student housing
Traditional style	Tranquil setting	Verifiable income
View of ___	Walk-in closet	Wheelchair accessible
Handicap accessible	Winter rental rate	Within [X] miles of ___

\* Terms marked with an asterisk are acceptable only in HOPA-qualifying communities. Do not use in general residential listings.



## **TRAINING & EQUAL HOUSING OPPORTUNITY**

### **Fair Housing Training Requirement:**

- Effective January 1, 2025, all REALTORS® must complete 2 hours of Fair Housing training every 3 years as a NAR membership requirement.
- Contact your state association for approved training options and deadlines.

### **Equal Housing Opportunity (EHO) Logo & Statement:**

- HUD strongly encourages including the Equal Housing Opportunity logo or statement in all residential advertising as a best practice.
- ArkansasONE MLS recommends members include “Equal Housing Opportunity” or the EHO logo in all marketing materials.

### **Stay Current:**

- Fair housing law and HUD guidance evolve frequently. This list is reviewed annually. Members should verify current guidance with their broker and/or legal counsel.
- State and local laws may protect additional classes beyond the federal seven (race, color, national origin, religion, sex, disability, familial status).

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**Disclaimer:** This word and phrase list is an educational resource only and does not constitute legal advice. It is not all-inclusive, and every word or phrase must be evaluated in its full context. Members with specific questions should **consult an attorney**. This document is reviewed annually; the most recent version supersedes all prior versions.

