

Advertising for Roommates or Housemates

Fact Sheet #2



You are responsible under fair housing laws when advertising for a roommate or housemate. Unfortunately, many people are unaware that discrimination laws apply to advertising for roommates or housemates in housing situations, and, therefore, unknowingly discriminate.

What are fair housing laws?

Federal and Indiana fair housing laws protect people from discrimination in housing transactions and services based on:

Federal:

- race
- color
- religion
- national origin
- gender/sex
- disability
- familial status (presence of children)

Indiana:

- ancestry

Indianapolis/Marion County:

- age
- gender identity
- military service and/or veteran status
- sexual orientation

These are commonly called “protected classes.” Fair housing laws apply to most housing transactions (rental, sales, lending, insurance, zoning, or other housing services). There are some exemptions to some fair housing law regulations for smaller housing providers and other limited types of housing, but overall, exemptions are extremely limited.

How does this apply to roommates or housemates?

For the most part, those seeking roommates/housemates are exempt from significant portions of fair housing laws. However, they cannot retaliate, harass, intimidate, or threaten in a discriminatory manner or advertise unlawfully. Under the federal Fair Housing Act, it is unlawful to *“make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, [disability], familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.”* For example, a person seeking a roommate or housemate is exempt from a specific regulation which allows them to *refuse to rent* to someone because of their religion, sex, disability, or familial status (does not include race, color, or national origin). However, that person could not post an ad identifying those intentions or preferences to discriminate because of advertising regulations under fair housing laws that they are *not* exempt from.

What can't be advertised?

Anything that references a protected class noted previously should not be advertised. In shared housing where residents would be sharing a bathroom, kitchen, or other common area, you may advertise a preference based upon your gender (sex) only. However, it must be the same gender. For instance, advertising *female seeking female* or *male seeking male* would be allowed if there is shared living areas. An advertisement noting *male seeking female* or *female seeking male* may not be lawful because the shared living exemption was initially put in place for privacy and modesty purposes when people reside together. If there is no shared living, then gender should not be referenced at all.

What types of advertising are covered?

All types of advertising are covered under fair housing laws across all housing transaction types. A violation would include indicating a preference or limitation based on protected class(es). This includes (but is not limited to):

- print (yard signs, flyers);
- online listings;
- e-mails or text messages;
- verbal comments; and
- social media posts.

Best Practice:

Describe the property, not the people.

Possible Signs of Unlawful Discrimination

Examples of discriminatory statements that could violate fair housing laws include:

- “No kids”
- “Adult(s) preferred”
- “No Christians”
- “Ideal for single professional”
- “Preference will be given to English-speaking applicants”
- “No wheelchairs”

For more information, check out the FHCCI's Education page on this topic:

<https://www.fhcci.org/programs/education/advertising/>

Or scan the QR code:





Are there any exemptions?

There are limited exemptions when it comes to advertising under fair housing laws that may further impact you in your roommate or housemate search. If you live at housing for older persons—meaning you qualify under the Housing for Older Persons Act (HOPA)—you must affirmatively advertise your status as a HOPA property. In certain instances, private clubs or religious organizations may also have some exemptions.

What about online postings, including social media?

Fair housing laws protect members of the protected classes from discrimination in all forms of advertising, including those posted on social media or online listings. While an entity, such as a search provider or platform, might *not* be held responsible for an advertising violation, the party who placed the ad could still be held liable.

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

What can/can't I include in my advertisement?

You can reference anything about the property's amenities, lease terms, etc. You can reference your gender or the gender you are seeking if there are shared living areas (however, you can only reference gender). Do not reference you or your potential roommate/housemate's religion, national origin, race, color, or any other protected class. Some examples of language that would be unlawful are:

- **Race or Color:** "White neighborhood," "Blacks preferred," "I'm not a racist but I prefer to live with whites," "Black female seeking same," or "Light skinned only."
- **Religion:** "Seeking fellow Christian," "No Muslims," "Prefer Jewish roommate," or "Female seeking Catholic roommate."
- **National Origin/Ancstry:** "Ideal for Latinos," "No immigrants or foreigners," "Indian female seeks fellow Indian," or "This is a Hispanic neighborhood—you might not feel welcome."
- **Disability:** "No wheelchairs allowed," "No seeing eye dogs," or "Nobody with mental health issues."
- **Familial Status:** "No children," "Singles preferred," "Ideal for working professional," or "Best for college students without children."
- **Gender (Sex):** "Female seeking male," "Free rent for female in exchange for sex," or "Deposit depends on how intimate we are."

Why can I refuse to rent to someone I'm going to be sharing housing with but not advertise it?

It's important to understand that advertising is a very strict part of fair housing laws because of its impact and the large number of people who may view or be influenced by an advertisement. Advertising plays a major role in determining whether a housing market is truly open and free from discrimination. Advertising that sends a message, no matter how subtly, that a particular group of people are not welcome will discourage them from seeking information or pursuing other housing.

Such discriminatory advertisements also have an impact through affirming to the reader, whether a home seeker or fellow housing provider, that such language is lawful and thereby allowing or encouraging its expanded use across other housing types. People often copy language they see in other advertisements believing it to be lawful and do not understand that there may be an exemption in place. If action is not immediately taken on discriminatory advertisements, the result is continued use of the language and an increase in discriminatory advertisements. Very often, individuals placing advertisements for roommates/housemates wrongly self-identify their race, color, religion, or another protected class. This can indicate to the reader that such language can be used in other housing types, which are not exempt, increasing violations. That's why advertising still applies.

Contact us!

If you are experiencing barriers to housing, including housing discrimination, please reach out to the FHCCI:



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Relay: 711



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