



THE LIST

By Jo Becker on behalf of Fair Housing Council of Oregon
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It's the stuff of urban legends. It always comes up in fair housing trainings – be it classes I attended years ago as a sales agent or in classes I conduct for the Fair Housing Council now. Everyone's heard of it; everyone wants to know how to get his / her hands on it... Some call it the "Red Light / Green Light" list; others have dubbed it with the classy moniker of the "No-No" List. That infamous, non-existent list of words one should never utter; a list that if ardently avoided would keep one safe from fair housing complaints or violations. I've got news for you folks; "THE LIST" is a myth!

HUD, the federal regulatory body with the power to enforce the Fair Housing Act, does not have such a list. We at the Fair Housing Council (FHCO), the authority on fair housing across Oregon, have never had such a list. What most people probably recall are lists that newspapers have published to help insulate themselves against a fair housing violation that would name them, as well as the housing provider placing the ad, in a lawsuit or formal complaint. These media lists are often more conservative than we at the FHCO are, essentially because these publications are very sensitive to being slapped with a hefty penalty.

Realtors® and those familiar with computerized multiple listing services may have experienced coding that scans newly input listings for verbiage that may violate fair housing laws. Please don't be intimidated or put off by these electronic programs; they don't know if you typed "white picket fence" or "whites only." When you're asked to review your listing, simply double check it and know that a living, breathing human will likely follow up to review it as well.

Now, the myth of the list has spawned many urban legends, which I would like to debunk and / or explain here.

Walk-in Closet—This is a common feature in many homes and is commonly understood to refer to such. So long as you don't go on to imply that someone who isn't ambulatory can't use the closet or live in the home, you're fine!

View Property—Same as above. So long as you don't limit access to the property to sighted individuals, there's nothing wrong with using the word "view" to describe a property with such an amenity. That is opposed to a case in which a landlord refused to tour an available unit with a blind applicant saying, "Why should I bother; you can't see it anyway!" That, my friends, is discriminatory and illegal, not to mention rude.

Mother-in-law Suite—Guess what, it's fine so long as you don't really mean that only a mother-in-law can live in the unit. However, I for one steer clear of "Bachelor Pad," as it has more of a lifestyle connotation and could be construed as a preference for single men, which is illegal given federal gender protections.

What about "near?"—Now, we're getting into a more complex issue. It's not uncommon to see promotional verbiage indicating close to shopping, transit, etc. This is fine. However, you begin to cross the line with fair housing law if you say "near the ABC

mosque," or "close to the XYZ church." Referencing religious or cultural sites—even though they are valid landmarks—may have what we call a "chilling effect" and can be illegal. Let's say a synagogue or Jewish community center is referenced and the housing consumer reading it isn't of that particular faith or ethnic background. They may feel that they're not welcome there and this chilling effect can have a discriminatory impact whether it was intended to or not.

Another touchy issue is referencing local schools. National sales tests have found that schools are sometimes used as a proxy for steering buyers to different neighborhoods based on ethnicity. That is, some agents encourage buyers to look at and buy homes in school districts whose demographics are consistent with that of the buyer. White testers were told the virtues of predominately white schools (and by association, their neighborhoods). While minority testers were directed to predominately minority schools (and their neighborhoods)—the exact schools agents told white testers to avoid. Simply listing the school district and schools that serve the area is fine so long as you do this with all of your properties. Referring housing consumers to the district's office or website for school stats and other information from which they can develop their own opinion is a safe strategy so long as it is applied neutrally and consistently. Touting certain schools over others is less safe, and we don't recommend it. After all, the reason you are touting a particular school may be subjective—is it due to stellar sports programs, high test scores, exemplary arts programs, low teacher-to-student ratios, etc. or might someone consider your reason the demographics of the school and the neighborhoods they serve? Let housing consumers make their own judgments. Now, on the other hand, there's absolutely nothing wrong with stating facts; i.e.: this property is served by ABC Elementary, EFG Middle or Junior, and XYZ High Schools.

Of course, any good list (if we were to create one) would include the following blatantly discriminatory statements:

- "No minorities,"
- "African Americans and Arabians tend to clash with me so that won't work out,"
- "Ladies please rent from me,"
- "Requirements: Clean Godly Christian Male,"
- "Will allow only single occupancy," and
- "No children"

All of these illegal statements (and many more) have been posted on Craigslist's housing section. Housing providers that use illegally discriminatory statements such as these—and potentially the hosting website—are liable for having violated the Fair Housing Act. ...As is the landlord who told one of our staff that she had advertised "Christians only" for 20 years so she thought it was fine. It doesn't matter where you advertise—newspapers, flyers, yard signs, and yes even free advertising and verbal statements—fair housing laws apply!

This article brought to you by the Fair Housing Council; a nonprofit serving the state of Oregon.
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