

FACT SHEET: ADVERTISING AND HUMAN MODELS IN SENIOR HOUSING

What is fair housing and how does it apply to human models in advertising?

Fair housing is the right to choose housing free from unlawful discrimination. The federal Fair Housing Act (FHAct) and Michigan laws protect people from discrimination in housing based on race, color, religion, sex, national origin, familial status, disability, marital status, and age. Discrimination is illegal in housing transactions such as rentals, sales, **advertising**, lending, and insurance.

The advertising provisions of the FHAct apply to written and oral notices or statements, including flyers, brochures, deeds, signs, banners, and any document used with respect to a home sale or rental. The law not only applies to the person, agency, or company that uses the advertisement, but also any entity that makes, prints, or publishes it, including advertising and communications firms, newspapers, multiple listing services, and other publications. Further, the FHAct's prohibition of discriminatory advertisements includes the prohibition of selective use of human models. Specifically, the implementing regulation of the federal Fair Housing Act formerly set forth at 24 C.F.R. 109.30(b) reads as follows:

*“Human models in photographs, drawings, or other graphic techniques may not be used to indicate exclusiveness because of race, color, religion, sex, handicap, familial status, or national origin. **If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing majority and minority groups in the metropolitan area, both sexes, and when appropriate, families with children.**”*

Why is it important to think about fair housing and human models in advertising?

Human models in advertising are often a direct indication of the people that the advertiser is trying to attract. The use of human models in housing advertising markets a sense of welcome and community that make it an attractive housing choice. Due to more congregate lifestyle options and amenities of senior housing, senior housing providers often market the sense of community more heavily than the housing market as a whole. For this reason it is imperative that senior housing providers use human models and depictions of residents in a manner that indicates that the housing is open to all without regard to race, color, religion, sex, disability, national origin, etc. and is not for the exclusive use of one such group. This means that viewers should be able to easily and quickly discern the protected characteristics of the models, and that the diversity and demographics of the metropolitan area are fully and adequately represented in the marketing campaign.

Some housing providers are unaware of the fair housing implications of human models and/or do not give proper consideration to the diversity of residents depicted in their advertisements and promotional materials (i.e. websites, printed brochures, newsletters distributed to potential residents, etc.). Unfortunately, the Fair Housing Center of West Michigan (FHCWM) has documented high incidences of selective, discriminatory use of human models throughout Muskegon County. This includes instances where materials depict current residents or “camera ready” artwork. Exclusive or selective use of human models could give the impression that a particular class of individuals may/may not be “preferred” or welcome at the property, thereby implying a preference or discouraging protected individuals from applying or pursuing the housing.

In order to promote fair housing in advertising, the FHCWM created a list of best practices (see next page).



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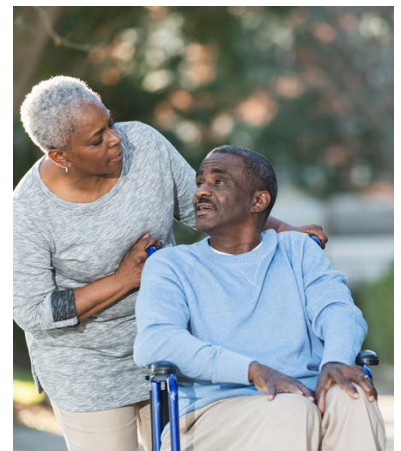
fhcwm.org

The Fair Housing Center of West Michigan (FHCWM) is a private, non-profit fair housing organization; our mission is to prevent and eliminate housing discrimination, ensure equal housing opportunity, and to promote inclusive communities through education, advocacy, and enforcement.

Advertising Best Practices for Senior Housing Providers

- Take the following into account:
 - Are residents with disabilities represented?
 - Are models or model graphics clearly definable as representing minority and majority populations, and are minorities being used in equal social settings?
 - If depicting actual residents, the diversity of people displayed in light of the demographics of the metropolitan area and all of the protected classes.
 - The size and reach of the campaign to ensure that there are enough photos used to reflect appropriate diversity.
 - The message of the text utilized with the photos in order to fully assess the message and the campaign.
- For any written advertisements, describe the property and the amenities offered, *not the people*. Federal regulations expressly provide accessible features can be included in an advertisement.
- Do not solely rely on the advertiser. Anyone who is party to publishing the advertisement is liable under law, as well.
- The ad, website, brochure, promotional folder, etc. should include an equal housing opportunity logo, statement, or slogan in connection with the advertising. Equal Housing Opportunity logos are available in a variety of sizes and formats at www.hud.gov/library/bookshelf11/hudgraphics.
- Prominently place the HUD approved fair housing poster in the rental or leasing office. Contact the FHCWM for free posters in English and Spanish.
- Check out the FHCWM's resource page at: www.fhcwm.org/publications.
- Contact the FHCWM for questions and technical assistance in reviewing drafted material or policies.

The use of human models requires thoughtful, intentional effort. Inclusive marketing campaigns are a good business practice as well as a good fair housing practice – they can help reach more people geographically and cast a broader net for qualified applicants.



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