

# STATEMENTS OF POLICY

## Title 16—COMMUNITY AFFAIRS

### HUMAN RELATIONS COMMISSION

[16 PA. CODE CH. 45]

#### Housing Accommodations/Commercial Property

The Human Relations Commission (Commission) has adopted the following amendment to its guidelines/statement of policy relating to advertising to read as set forth in Annex A. Under the authority of the act of June 25, 1997 (P. L. 326, No. 34) (Act 34), this amendment, is not subject to review under section 205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1205) and is effective for a period not to exceed 2 years from the effective date of Act 34, which is August 24, 1997, and shall serve as proposed rulemaking. After the 2-year period, the guideline shall expire and will be replaced by regulations which will have been promulgated, adopted and published as provided by law.

The purpose of this amendment is to expand the type and number of phrases that may be used by advertisers and publishers in advertisements for housing for older persons. The need for this amendment was determined following comments received and meetings held with industry groups, other stakeholders and legislative representatives, following the original publication of the guidelines and statement of policy.

#### *Fiscal Impact*

The Commission believes that the amendment will result in no additional cost to the Commission or to the general public.

#### *Paperwork Requirements*

No additional paperwork will be required by the amendment.

#### *Effective Date*

The amendment shall take effect upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Persons wishing to submit comments regarding this amendment should submit them in writing to Nancy L. Gippert, Assistant Chief Counsel, Pennsylvania Human Relations Commission, 101 South Second Street, Suite 300, P. O. Box 3145, Harrisburg, PA 17101.

HOMER C. FLOYD,  
*Executive Director*

*(Editor's Note: The regulations of the Commission, 16 Pa. Code Chapter 45, are amended by amending § 45.142 to read as set forth in Annex A, with ellipses referring to the existing text of the statement of policy.)*

**Fiscal Note:** 52-008. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 16. COMMUNITY AFFAIRS

#### PART II. GOVERNOR'S OFFICE

#### Subpart A. HUMAN RELATIONS COMMISSION

#### CHAPTER 45. HOUSING ACCOMMODATIONS/COMMERCIAL PROPERTY

#### Subchapter B. HOUSING ADVERTISEMENTS—GUIDELINES AND STATEMENT OF POLICY

#### LIST OF WORDS OR PHRASES TO AVOID

#### § 45.142. Words to be avoided.

The Commission will abide by and follow for interpretation of the act, any regulations published by the Department of Housing and Urban Development regarding housing advertisements in areas of concurrent jurisdiction. Until the regulations are promulgated, the following conditions apply:

- (1) The following words should be avoided:

\* \* \* \* \*

*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 housing" or "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 62+" 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.

\* \* \* \* \*

(2) 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.

[Pa.B. Doc. No. 98-1835. Filed for public inspection November 6, 1998, 9:00 a.m.]