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## FAIR HOUSING FOR REALTORS

### FACT SHEET

Published by the High Plains Fair Housing Center

When acts of unlawful housing discrimination are allowed to occur or continue in a community, there are many consequences. Housing discrimination tears at the fabric of a community and encourages an environment where disputes escalate. Acts of housing discrimination that go unchallenged send a message of apathy throughout a community and result in reduced efforts to seek help when it is needed.

Housing discrimination leads to segregated neighborhoods and feeds the stereotypes that form the basis for discrimination. Where discrimination flourishes, so does a lack of respect for cultures. Housing discrimination works to perpetuate other housing problems, such as tight housing markets, substandard housing, and homelessness, as well.

Civil rights and fair housing laws have made housing discrimination unlawful for over 140 years, yet housing discrimination still exists. It is imperative that the community join together in a joint effort so we can be successful in ensuring equal housing opportunity for all.

Any person involved in a housing transaction is responsible to follow and uphold the fair housing laws. This includes such people as owners of property, on site managers, rental agents, mortgage lenders, real estate brokers, agents, and appraisers.

### HOUSING DISCRIMINATION IS ILLEGAL.

#### Who Is Protected?

The Fair Housing Act prohibits discrimination in housing because of a person's:

- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Religion
- ✓ Sex (including gender identity and sexual orientation)
- ✓ Familial Status
- ✓ Disability

#### In North Dakota, additional protections include:

- ✓ Age
- ✓ Marital Status
- ✓ Public Assistance
- ✓ Domestic Violence

#### WHAT TYPES OF HOUSING ARE COVERED?

The Fair Housing Act covers most housing. In very limited circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.

#### WHAT IS PROHIBITED?

**In the sale and rental of housing, it is illegal discrimination to take any of the following actions because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin:**

- ✓ Refuse to rent or sell housing, refuse to negotiate for housing, or otherwise make housing unavailable
- ✓ Set different terms, conditions or privileges for sale or rental of a dwelling
- ✓ Provide a person different housing services or facilities
- ✓ Falsely deny that housing is available for inspection, sale or rental
- ✓ Make, print or publish any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination
- ✓ Impose different sales prices or rental charges for the sale or rental of a dwelling
- ✓ Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses, sale or rental approval procedures or other requirements
- ✓ Harass a person
- ✓ Failure to make a reasonable accommodations or modifications
- ✓ Fail or delay performance of maintenance or repairs
- ✓ Limit privileges, services or facilities of a dwelling
- ✓ Discourage the purchase or rental of a dwelling
- ✓ Assign a person to a particular building or neighborhood or section of a building or neighborhood
- ✓ For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting)

- ✓ Refuse to provide or discriminate in the terms or conditions of homeowners insurance because of the race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin of the owner and/or occupants of a dwelling
- ✓ Deny access to or membership in any multiple listing service or real estate brokers' organization

### WHAT IS STEERING?

Steering is defined as a method by which real estate brokers and agents preserve and encourage patterns of segregation in available housing by steering members of racial and ethnic groups to buildings occupied primarily by members of such racial and ethnic groups and away from buildings and neighborhoods inhabited primarily by members of other races or groups. (Source: *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 366 n.1, 102 S. Ct. 1114, 71 L. Ed. 2d 214 (1982))

### Example:

John, who is an Asian man, meets with a real estate broker to discuss purchasing a house for his family. When John names the neighborhood that he is interested in, the broker asks John if he is sure that his family will feel comfortable there. The broker tells John that she has a wonderful listing in another neighborhood where there are more "people like them." When the broker takes John to see the house, John notices that the residents of the neighborhood appear to be mostly Asian. John files a complaint with HUD because steering someone to a certain neighborhood because of his race is a form of race discrimination.

### DISCRIMINATION IN ADVERTISING IS ALWAYS PROHIBITED.

In nearly all housing, including private housing, public housing, and housing that receives federal funding, the Fair Housing Act prohibits the making, printing and publishing of advertisements that indicate a preference, limitation or discrimination because of a person's protected class status. The prohibition applies to publishers, such as newspapers and directories, as well as to persons and entities who place real estate advertisements in newspapers and on websites. It also applies where the advertisement itself violates the Act, even if the property being advertised may be exempt from the provisions of the Act. Other federal civil rights laws may also prohibit discriminatory advertising practices.

### EXAMPLES OF LIKELY UNLAWFUL STATEMENTS IN

#### ADVERTISING:

- ✓ "No kids"
- ✓ "English Speakers Only"
- ✓ "Christian Housing"
- ✓ "Able-Bodied"
- ✓ Any advertisement designating a specific race or ethnicity.

#### BASIC ADVERTISING GUIDELINES:

- ✓ Do not make statements that exclude persons in protected classes or express a preference for one personal characteristic over others.
- ✓ Always include the fair housing logo and/or the "Equal Housing Opportunity" slogan in your advertising.
- ✓ Do not exclude from your marketing campaign persons in protected classes, such as families with children, people of certain racial or ethnic backgrounds, persons with disabilities, etc.
- ✓ If you feature human models in your advertisements, ensure that the images are inclusive and representative of all communities that need access to housing.
- ✓ Always give truthful information about the availability, price, amenities, and features of a housing unit.
- ✓ Advertising Goals: Gain important, critical exposure to consumers. Maximize positive outcomes. Broaden—don't restrict—your market.
- ✓ Keep a record of all advertising, marketing, and outreach activities which includes the date, location, and resource used.

#### SOURCES AND FAIR HOUSING RESOURCES

- ✓ High Plains Fair Housing Center: [www.highplainsfhc.org](http://www.highplainsfhc.org)
- ✓ North Dakota Department of Labor and Human Rights: <https://www.nd.gov/labor/human-rights>
- ✓ U.S. Department of Housing & Urban Development/Fair Housing: [hud.gov/fairhousing](http://hud.gov/fairhousing)
- ✓ National Association of Realtors Code of Ethics [www.nar.realtor/about-nar/governing-documents/code-of-ethics/2022-code-of-ethics-standards-of-practice](http://www.nar.realtor/about-nar/governing-documents/code-of-ethics/2022-code-of-ethics-standards-of-practice)
- ✓ National Fair Housing Alliance on Responsible Advertising: <https://nationalfairhousing.org/responsibleadvertising/>
- ✓ Fair Housing Advocate: [fairhousing.com](http://fairhousing.com)
- ✓ U.S. Department of Justice/Civil Rights: [usdoj.gov/crt](http://usdoj.gov/crt)

***The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement and advocacy. For more information please contact:***

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The work that provided the basis for this flyer was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this material. Such interpretations do not necessarily reflect the views of the federal government.

