

## **WHAT EVERYONE SHOULD KNOW ABOUT EQUAL OPPORTUNITY IN HOUSING**

The sale and purchase of a home is one of the most significant events that any person will experience in their lifetime. It is more than the simple purchase of housing, for it includes the hopes, dreams, aspirations, and economic destiny of those involved.

### **THE LAW**

#### **Civil Rights Act of 1866**

The Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property.

#### **Fair Housing Act**

The Fair Housing Act declares a national policy of fair housing throughout the United States. The law makes illegal any discrimination in the sale, lease or rental of housing, or making housing, otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

#### **Americans with Disabilities Act**

Title III of the Americans with Disabilities Act prohibits discrimination against persons with disabilities in places of public accommodations and commercial facilities.

#### **Equal Credit Opportunity Act**

The Equal Credit Opportunity Act makes discrimination unlawful with respect to any aspect of a credit application on the basis of race, color, religion, national origin, sex, marital status, age or because all or part of the applicant's income derives from any public assistance program.

#### **State and Local Laws**

State and Local laws often provide broader coverage and prohibit discrimination based on additional classes not covered by federal law.

### **THE RESPONSIBILITIES**

The home seller, the home seeker, and the real estate professional all have rights and responsibilities under the law.

#### **For the Home Seller**

You should know that as a home seller or landlord you have a responsibility and a requirement under the law not to discriminate in the sale, rental and financing of property on the basis of race, color, religion, sex, handicap, familial status, or national origin. You may not instruct the licensed broker or salesperson acting as your agent to convey for you any limitations in the sale or rental, because the real estate professional is also bound by law not to discriminate. Under the law, a home seller or landlord cannot establish discriminatory terms or conditions in the purchase or rental; deny that housing is available or advertise that the property is available only to persons of a certain race, color, religion, sex, handicap, familial status, or national origin.

#### **For the Home Seeker**

You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion, sex, handicap, familial status, or national origin.

This includes the right to expect:

- Housing in your price range made available to you without discrimination
- Equal professional service
- The opportunity to consider a broad range of housing choices
- No discriminatory limitations on communities or locations of housing
- No discrimination in the financing, appraising or insuring of housing
- Reasonable accommodations in rules, practices and procedures for persons with disabilities
- Non-discriminatory terms and conditions for sale, rental, financing, or insuring of a dwelling
- To be free from harassment or intimidation for exercising your fair housing rights.

#### **For the Real Estate Professional**

As a home seller or home seeker, you should know that the term REALTOR® identifies a licensed professional in real estate who is a member of the National Association of REALTORS®. Not all licensed real estate brokers and salespersons are members of the National Association, and only those who are can identify themselves as REALTORS®. They conduct their business and activities in accordance with a strict Code of Ethics. As agents in a real estate transaction, licensed brokers or salespersons are prohibited by law from discriminating on the basis of race, color, religion, sex, handicap, familiar status, or national origin. A request from the home seller or landlord to act in a discriminatory manner in the sale, lease or rental cannot legally be fulfilled by the real estate professional.

### **DEED AND PROPERTY COVENANTS OR RESTRICTIONS OF RECORD**

During the history of our country, some persons have placed restrictions on property based on race, color, religion, sex, handicap, familial status, or national origin. Generally, these restrictions are void and unenforceable, with limited exceptions from particular types of religious housing and housing for older person. The publication of these void restrictions may convey a message that the restrictions continue to be valid. Any time a sales associate or broker is asked to provide a copy of the covenants or restrictions of record relating to the use of a property the following message should be included:

*These documents may contain restrictions or covenants based on race, color, religion, sex, handicap, familial status, or national origin. Such restrictions or covenants generally are void and unenforceable as violations of fair housing laws.*

*Be assured that all property is marketed and made available without discrimination based on race, color, religion, sex, handicap, familial status, or national origin. Should you have any questions regarding such restrictions, please contact your attorney.*

## **THE EQUAL OPPORTUNITY PROGRAM**

The National Association of REALTORS® has developed a Fair Housing Program to provide resources and guidance to REALTORS® in ensuring equal professional services for all people.

### **The Code of Ethics**

Article 10 of the National Association of REALTORS® Code of Ethics requires that “REALTORS®” shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. REALTORS® shall not be a party to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin. REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status or national origin.

A REALTOR® pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations upon REALTORS® and is also a firm statement of support for equal opportunity in housing.

## **FURTHER ASSISTANCE**

Local Boards of REALTORS® will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Board of REALTORS® have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

Complaints alleging discrimination in housing may be filed with the nearest office of the Department of Housing and Urban Development (HUD) or by calling HUD’s Discrimination Hotline at 1-800-699-9777, 1-800-927-9275 (TTY). For information and publications on fair housing, call HUD’s Distribution Center at 1-800-767-7468. Contact HUD on the internet at <http://www.hud.gov/fhe/fheo.html>



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**NATIONAL ASSOCIATION  
OF REALTORS®**

*The Voice for Real Estate®*