Building Bridges

A Study in Fair Housing

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Module 1: Introduction to Fair Housing Laws

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Building Bridges- Fair Housing

- Fair Housing is not optional
- It is federal law
- It protects consumers
- It protects you
- It protects the integrity of our industry

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Why Fair Housing Still Matters

Housing Impacts

- Wealth Building
- Education Access
- Healthcare Access
- Generational Opportunity

Discrimination created long-term in equality

REALTORS® are gatekeepers to opportunity

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Housing Discrimination Before 1968

- Segregated neighborhoods (de facto & de jure)
- Restrictive covenants
- Redlining
- Refusal to finance certain communities
- Steering by real estate professionals

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What Was Redlining?

- 1930s–1960s
- Federal Home Owners' Loan Corporation (HOLC)
- Neighborhoods graded A–D
- "D" areas marked in red = high risk
- Mostly minority communities

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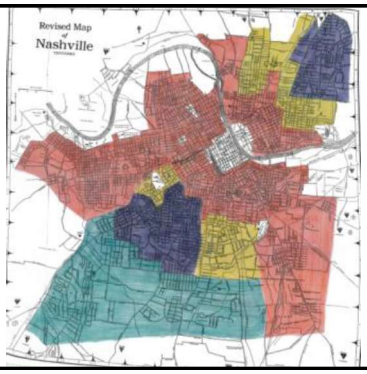

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The Civil Rights Movement & Housing

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Prohibits discrimination in:	Originally protected:	Later amendments added:
• Sale • Rental • Financing	• Race • Color • Religion • National Origin	• Sex (1974) • Disability (1988) • Familial Status (1988)

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- Segregated school systems
- Property value disparities
- Lending inequality
- Community investment gaps
- Health outcome differences

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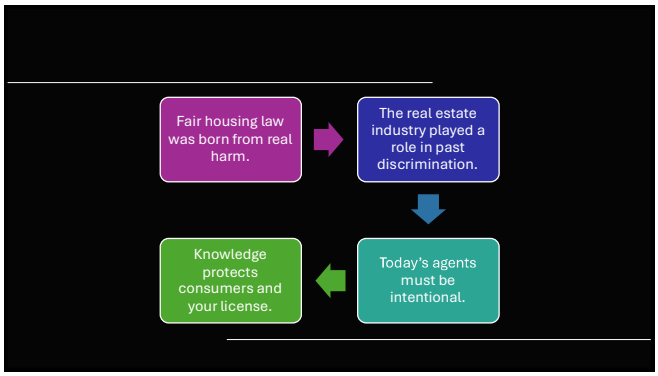
Fair housing law was born from real harm.
The real estate industry played a role in past discrimination.
Today's agents must be intentional.
Knowledge protects consumers and your license.

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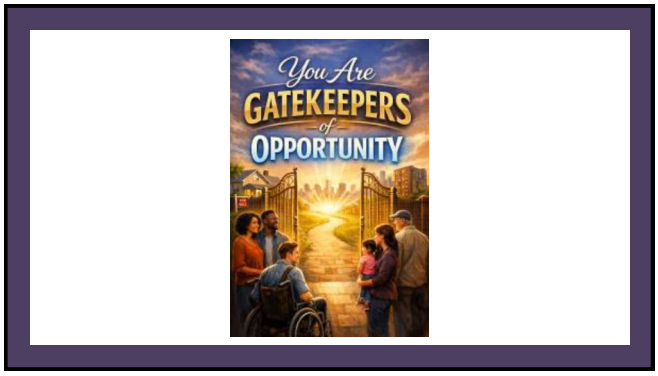
You Are
GATEKEEPERS
of
OPPORTUNITY

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Module 2: Legal Framework

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Legal Framework

- Fair Housing Laws exist at three levels
  - Federal
  - State
  - Local
- Real estate professionals must comply with all applicable laws
- When laws differ, follow the law that provides greater protection

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The Federal Fair Housing Act

- The Fair Housing Act prohibits discrimination in:
  - Selling housing
  - Renting housing
  - Advertising housing
  - Financing housing
  - Brokerage services
  - Other housing-related transactions

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Prohibited Actions Under Federal Law

- Examples of prohibited conduct include:
  - Refusing to sell or rent
  - Refusing to negotiate
  - Making housing unavailable
  - Setting different terms or conditions
  - Discriminatory advertising
  - Steering
  - Misrepresenting availability
  - Harassment or retaliation

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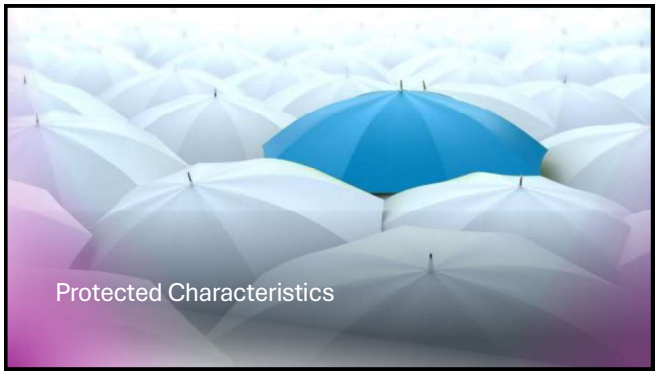

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Federally Protected Classes

- Federal Fair Housing Act protected classes:
  - Race
  - Color
  - Religion
  - National Origin
  - Sex
  - Familial Status
  - Disability

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Race and Color

- Protection includes discrimination based on:
  - Race
  - Skin color
  - Association with people of a certain race

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Religion and National Origin

- Protection includes:
  - Religious identity or practice
  - Country of origin
  - Ancestry
  - Language-related assumptions

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Sex

- Sex discrimination may include:
  - Different treatment based on sex
  - Sexual harassment
  - Unequal housing opportunities
  - Bias involving gender-based assumptions

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Familial Status

- Familial status protects:
  - Households with children under 18
  - Pregnant women
  - People securing custody of children

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Disability

- Disability protections include:
  - Physical impairments
  - Mental impairments
  - Developmental disabilities
- Reasonable accommodations
- Reasonable modifications
- Service Animals

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Fair Housing Complaints

May be filed with

- HUD (US Dept. of Housing and Urban Development
- State Fair Housing Agencies

Possible Consequences

- Civil Penalties
- Monetary damages
- License discipline
- Legal fees

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Real Estate Advertising Rules

- Advertising cannot express preference based on protected classes.
- Examples of illegal language:
  - "Perfect for young couples"
  - "No children"
  - "Christian neighborhood"
  - "Near synagogue preferred residents"
  - "Safe neighborhood"

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Part 109-Fair Housing Advertising

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§ 109.10 Purpose.

The purpose of this part is to assist all advertising media, advertising agencies and all other persons who use advertising to make, print, or publish, or cause to be made, printed, or published, advertisements with respect to the sale, rental, or financing of dwellings which are in compliance with the requirements of the Fair Housing Act. These regulations also describe the matters this Department will review in evaluating compliance with the Fair Housing Act in connection with investigations of complaints alleging discriminatory housing practices involving advertising.

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§ 109.20 Use of words, phrases, symbols, and visual aids.

The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory preferences or limitations. In considering a complaint under the Fair Housing Act, the Department will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate a possible violation of the act and to establish a need for further proceedings on the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the act is likely to result.

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(a) *Words descriptive of dwelling, landlord, and tenants.* White private home, Colored home, Jewish home, Hispanic residence, adult building.

(b) *Words indicative of race, color, religion, sex, handicap, familial status, or national origin--*

(1) *Race*--Negro, Black, Caucasian, Oriental, American Indian.

(2) *Color*--White, Black, Colored.

(3) *Religion*--Protestant, Christian, Catholic, Jew.

(4) *National origin*--Mexican American, Puerto Rican, Philippine, Polish, Hungarian, Irish, Italian, Chicano, African, Hispanic, Chinese, Indian, Latino.

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(5) *Sex*--the exclusive use of words in advertisements, including those involving the rental of separate units in a single or multi-family dwelling, stating or tending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved. Nothing in this part restricts advertisements of dwellings used exclusively for dormitory facilities by educational institutions.

(6) *Handicap*--crippled, blind, deaf, mentally ill, retarded, impaired, handicapped, physically fit. Nothing in this part restricts the inclusion of information about the availability of accessible housing in advertising of dwellings.

(7) *Familial status*--adults, children, singles, mature persons. Nothing in this part restricts advertisements of dwellings which are intended and operated for occupancy by older persons and which constitute *housing for older persons* as defined in Part 100 of this title.

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(8) *Catch words*--Words and phrases used in a discriminatory context should be avoided, e.g., *restricted, exclusive, private, integrated, traditional, board approval or membership approval.*

(c) *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, sex, handicap, familial status, or national origin.

(d) *Colloquialisms.* Words or phrases used regionally or locally which imply or suggest race, color, religion, sex, handicap, familial status, or national origin.

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(e) *Directions to real estate for sale or rent (use of maps or written instructions).* Directions can imply a discriminatory preference, limitation, or exclusion. For example, references to real estate location made in terms of racial or national origin significant landmarks, such as an existing black development (signal to blacks) or an existing development known for its exclusion of minorities (signal to whites). Specific directions which make reference to a racial or national origin significant area may indicate a preference. References to a synagogue, congregation or parish may also indicate a religious preference.

(f) *Area (location) description.* Names of facilities which cater to a particular racial, national origin or religious group, such as country club or private school designations, or names of facilities which are used exclusively by one sex may indicate a preference.

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§ 109.25 Selective use of advertising media or content.

The selective use of advertising media or content when particular combinations thereof are used exclusively with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of the Fair Housing Act. For example, the use of English language media alone or the exclusive use of media catering to the majority population in an area, when, in such area, there are also available non-English language or other minority media, may have discriminatory impact. Similarly, the selective use of human models in advertisements may have discriminatory impact. The following are examples of the selective use of advertisements which may be discriminatory:

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(a) *Selective geographic advertisements.* Such selective use may involve the strategic placement of billboards; brochure advertisements distributed within a limited geographic area by hand or in the mail; advertising in particular geographic coverage editions of major metropolitan newspapers or in newspapers of limited circulation which are mainly advertising vehicles for reaching a particular segment of the community; or displays or announcements available only in selected sales offices.

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(b) *Selective use of equal opportunity slogan or logo*. When placing advertisements, such selective use may involve placing the equal housing opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

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(c) *Selective use of human models when conducting an advertising campaign*. Selective advertising may involve an advertising campaign using human models primarily in media that cater to one racial or national origin segment of the population without a complementary advertising campaign that is directed at other groups. Another example may involve use of racially mixed models by a developer to advertise one development and not others. Similar care must be exercised in advertising in publications or other media directed at one particular sex, or at persons without children. Such selective advertising may involve the use of human models of members of only one sex, or of adults only, in displays, photographs or drawings to indicate preferences for one sex or the other, or for adults to the exclusion of children.

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§ 109.30 Fair housing policy and practices.

In the investigation of complaints, the Assistant Secretary will consider the implementation of fair housing policies and practices provided in this section as evidence of compliance with the prohibitions against discrimination in advertising under the Fair Housing Act.

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(a) *Use of Equal Housing Opportunity logotype, statement, or slogan.* All advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, sex, handicap, familial status, or national origin. The choice of logotype, statement or slogan will depend on the type of media used (visual or auditory) and, in space advertising, on the size of the advertisement. Table I (see Appendix I) indicates suggested use of the logotype, statement, or slogan and size of logotype. Table II (see Appendix I) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

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(b) *Use of human models.* 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. Models, if used, should portray persons in an equal social setting and indicate to the general public that the housing is open to all without regard to race, color, religion, sex, handicap, familial status, or national origin, and is not for the exclusive use of one such group.

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(d) *Notification of fair housing policy--*

(1) *Employees.* All publishers of advertisements, advertising agencies, and firms engaged in the sale, rental or financing of real estate should provide a printed copy of their nondiscrimination policy to each employee and officer.

(2) *Clients.* All publishers or advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous location wherever persons place advertising and should have copies available for all firms and persons using their advertising services.

(3) *Publishers' notice.* All publishers should publish at the beginning of the real estate advertising section a notice such as that appearing in Table III (see Appendix I). The notice may include a statement regarding the coverage of any local fair housing or human rights ordinance prohibiting discrimination in the sale, rental or financing of dwellings.

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The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for advertising:

Table I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan.

In all space advertising (advertising in regularly printed media such as newspapers or magazines) the following standards should be used:

Size of advertisement	*Size of logotype in inches*
½ page or larger……..	2x2
1/8 page up to ½ page……	1x1
4 column inches to 1/8 page……	½ x ½
Less than 4 column inches	([1])

[1]Do not use.

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In any other advertisements, if other logotypes are used in the advertisement, then the Equal Housing Opportunity logo should be of a size at least equal to the largest of the other logotypes; if no other logotypes are used, then the type should be bold display face which is clearly visible. Alternatively, when no other logotypes are used, 3 to 5 percent of an advertisement may be devoted to a statement of the equal housing opportunity policy.

In space advertising which is less than 4 column inches (one column 4 inches long or two columns 2 inches long) of a page in size, the Equal Housing Opportunity slogan should be used. Such advertisements may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, sex, handicap, familial status, or national origin.

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Table II

Illustrations of Logotype, Statement, and Slogan. Equal Housing Opportunity Logotype:

Equal Housing Opportunity Statement: We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin.

Equal Housing Opportunity Slogan: "Equal Housing Opportunity."

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Table III

Illustration of Media Notice--Publisher's notice: All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination."

We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

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TN Adds a Protected Class

What's Different from Federal Law?

The federal Fair Housing Act includes 7 protected classes.

Tennessee includes those same classes **plus "creed."**

What Does "Creed" Mean?

"Creed" generally refers to:

- A system of beliefs
- Personal or moral beliefs
- Philosophical beliefs (not just organized religion)

Why this matters:

- "Religion" covers organized faiths.
- "Creed" can extend protection to **personal belief systems**, even if they are not tied to a formal religion.

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Module 4: Understanding Steering

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FHI The Fair Housing Institute

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What is Steering?

- Steering = influencing a buyer or renter's housing choice
  - Can be intentional OR unintentional
- It is illegal under fair housing law

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Common Client Questions That Lead to Steering

- Is this a safe neighborhood?
- Are there good people here?
- Do families live here?
- Is this a diverse area?
- Where should I be looking?

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How to Respond Without Steering

- Provide objective data sources
- Encourage independent research
- Offer ALL available listings that meet criteria
- Keep responses consistent for all

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Best Practices to Avoid Steering

- Use objective criteria only
- Show ALL properties that meet client parameters
- Document
- Client preferences

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Steering Through Advertising

Steering can occur

- Social media posts
- Listing descriptions
- Marketing language

Examples to Avoid

- Perfect for young professionals
- Great family neighborhood
- Quiet community for retirees

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Scenario

- A buyer says:
  - "I want to live near people like me. Where should I look?"

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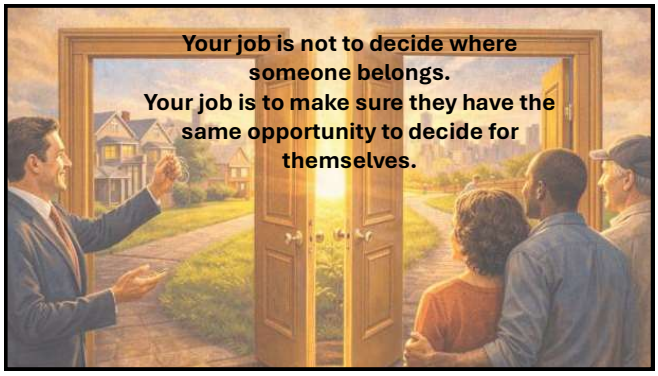

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Module 6: Implicit Bias in Real Estate

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What is Implicit Bias?

- Unconscious attitudes or stereotypes
- Affects understanding, actions, decisions
- Happens automatically
- Everyone has it

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Why Implicit Bias Matters in Real Estate

- Implicit bias can impact:
  - Who you call back
  - What homes you show
  - How you describe neighborhoods
  - How you interpret client needs
  - How you negotiate

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Common Types of Bias in Real Estate

- Affinity Bias (people like you)
- Confirmation Bias (what you expect to see)
- Assumption Bias (filling in the blanks)
- Socioeconomic Bias
- Appearance Bias

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Common Types of Bias in Real Estate- Examples

- Affinity bias:
  - "I just clicked with them more."
- Assumption bias:
  - "I didn't think they could afford that."
- Confirmation bias:
  - "I knew that deal would fall apart."

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How Bias Leads to Fair Housing Violations

- Bias can lead to:
  - Steering
  - Unequal Service
  - Selective marketing
  - Missed opportunities for clients
  - Fair Housing Complaints

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Recognizing Your Own Bias

- Self Awareness starts with:
  - Slowing down decisions
  - Questioning assumptions
  - Noticing patterns in behavior
  - Being honest with yourself

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Part 1

BIAS Override

Overcoming Barriers to Fair Housing

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Part 2

BIAS Override

Overcoming Barriers to Fair Housing

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Part 3

BIAS Override

Overcoming Barriers to Fair Housing

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Strategies to Reduce Bias

- Use objective criteria
- Standardize processes
- Follow the same steps for every client
- Document interactions
- Rely on data, not assumptions

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Providing Equal Service

- Equal service means:
  - Equal response time
  - Equal effort
  - Equal access to listings
  - Equal information
  - Equal follow-up

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Creating a Culture of Fairness

- Be intentional
- Be consistent
- Be accountable
- Be open to feedback
- Commit to ongoing learning

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Remember...

- Everyone has implicit bias
- Bias can impact decisions without awareness
- Small actions create patterns
- Systems and consistency reduce bias
- Equal service is the standard

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