

## Know Who is Protected Under Fair Housing & What the Laws Are

GREC CE Course # 62099  
through  
Georgia Real Estate Academy – GREC School #6915  
for CE Credit for Georgia Real Estate Licensees

Presented by:  
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### Notice to Students for Virtual / Broadcast Continuing Education (CE) Classes of GREC-Approved Classroom Classes:

- Georgia Real Estate Academy (GREC School #6915) with end date of renewal being December 31, 2022, presents to you the following course of study:
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- 2020 GAR Contracts Dissection - GREC Course #71209
- 
- This is a Virtual / Remote Broadcast of an approved in-class course, is 3 hours in duration, and is approved by the Georgia Real Estate Commission for the purpose of Continuing Education (CE.) There are no pre-requisites to receive credit for this course.
- 
- Your instructor(s) for this course will be: **Dana Sparks**
- 
- This course does NOT have required homework not any required written examination.

- **Attendance policy:**
- All students must be on-time and present for all remote / virtual broadcast instruction hours in order to receive credit for this course. Roll call and documentation of Student's Real Estate License Number will be conducted via a "Chat Function" at the beginning and end of each session, and after all breaks.
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- Students may only receive credit for a specific course number once every twelve months. If you have already received credit for this course within the last twelve months, you are invited to attend but will not receive additional credits.
- 
- **Prohibition of Recruitment:**
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- 
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## Handouts Available & CE Class Calendar

- Go to [www.eAGENTweb.com](http://www.eAGENTweb.com)
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- Download PDF versions of Handouts
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- CE Class Schedule – [www.eAGENTweb.com](http://www.eAGENTweb.com)
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## CE Credits

- 3 hours of Continuing Education Credit for your Georgia Real Estate License
- 3 – 5 Business days to record credits with Georgia Real Estate Commission (GREC)
- Credits offered through the Georgia Real Estate Academy – GREC School #6915
- Director: Dana Sparks – [Dana@MaximumOneRealty.com](mailto:Dana@MaximumOneRealty.com)
- Coordinator: Heidi Kelly – [Douglasville@eAGENTweb.com](mailto:Douglasville@eAGENTweb.com)
- As of this presentation – September 2020

## Fair Housing Quiz

From The National Association of  
REALTORS®

1. Under Federal Fair Housing Laws, it is legal to prohibit which of the following in a housing unit?

- A. Smoking
  - B. A live-in caregiver for a resident with a disability
  - C. Drinking alcohol
  - D. Both A and C
- Answer: D. Both A and C

2. Which of the following are violations or potential violations of the Fair Housing Act?

- A. A seller tells you he doesn't want to sell to African-Americans
  - B. A sales associate puts the phrase "adults only" in an MLS listing
  - C. both A and B
  - D. None of the above
- Answer: C. Both A and B

3. Under the federal fair housing law, the seven protected classes include:

- A. Race, color, source of income, handicap, national origin, marital status, religion
  - B. Race, color, religion, sex, handicap, familial status, national origin
  - C. Race, sexual orientation, sex, familial status, handicap, age, national origin
  - D. None of the above
- Answer: B. Race, color, religion, sex, handicap, familial status, national origin

4. The fair housing laws prohibit all of the following except:

- A. Refusal to show, sell, or rent a property because of disability
  - B. Expressing a preference for young adults in a listing comment
  - C. Evicting a current user of illegal drugs
  - D. Marketing your listings exclusively in a religious publication
- Answer: C. Evicting a current user of illegal drugs

5. The Civil Rights Act of 1866 does which of the following?

- A. Grants all citizens the same rights as white citizens to own, purchase, lease, transfer or use real property.
  - B. Allows exemptions only for homes sold without the assistance of a real estate practitioner
  - C. Effectively prohibits all discrimination in real estate based on race
  - D. Both A and C
- Answer: D. Both A and C

6. Based on federal fair housing law, which of the following people would be protected?

- A. A divorced female, single parent
  - B. A 35 year old single, Jewish man
  - C. A 50 year old white man
  - D. All of the above
- Answer: D. All of the above

8. When a prospect inquires about the racial makeup of neighborhoods or schools, you should respond by saying:

- A. I believe the neighborhood has a few Hispanic families, I can check and get back to you.
  - B. The Fair Housing Act prohibits me from providing that kind of info, I recommend you contact the school district, municipal government or the local library.
  - C. I wouldn't worry about that, the neighborhood is safe and the schools are good.
  - D. Residents in the neighborhood value diversity, you'll fit right in.
- Answer: B. The Fair Housing Act prohibits me from providing that kind of info, I recommend you contact the school district, municipal government or the local library.

9. If a seller using a real estate agent refuses an offer because of the buyer's national origin, who may file a federal lawsuit against the seller?

- A. The prospective buyer
  - B. The real estate practitioner
  - C. The federal government
  - D. All of the above
- Answer: D. All of the above

10. Looking at the following four marketing examples, identify which one is OK.

- A. Advertise only in a strategically limited geographic area that is populated by a particular ethnic group.
  - B. Limit advertising to small papers which cater to particular religious groups of people
  - C. Promote a listing only in selected sales offices in communities with similar ethnic populations.
  - D. Advertising your knowledge of a language other than English in an English language advertisement.
- Answer: D. Advertising your knowledge of a language other than English in an English language advertisement.

11. In an ad for a small, two bedroom house in a neighborhood where many families live, which of the following language is improper under the Fair Housing Act?

- A. Small, cozy home in quiet neighborhood.
  - B. Two bedroom home, near playground and senior center
  - C. Close to Award-Winning Schools
  - D. No Children
- Answer: D. No Children

12. Which of the following features are required in ground floor units of non-elevator multifamily building of four units or more build after March 1991?

- A. An accessible building entrance or an accessible route for persons in wheelchairs.
  - B. Accessible and usable public and common use areas
  - C. Light switches, electrical outlets, thermostat, and other environmental controls in accessible locations.
  - D. All of the above
- Answer: D. All of the above

How Did You Do?

**Does this symbol appear on all of your marketing?**



*Not required; just an outward sign that you provide equal housing opportunities.*

### Protected Classes Under Fair Housing

- It is YOUR responsibility to know
- Educate your clients with HUD pamphlet – [www.HUD.gov](http://www.HUD.gov)
- 7 Federally protected classes

### Is Sexual Orientation a “protected class?”

**Answer:** Federal law does not protect people against housing discrimination based on their sexual orientation. However, the District of Columbia, several cities and towns, and the following states include sexual orientation as a protected class in their housing discrimination laws:

- |               |                 |              |
|---------------|-----------------|--------------|
| • California  | * Massachusetts | * Vermont    |
| • Colorado    | * Minnesota     | * Washington |
| • Connecticut | * New Hampshire | * Wisconsin  |
| • Hawaii      | * New Jersey    |              |
| • Illinois    | * New Mexico    |              |
| • Maine       | * New York      |              |
| • Maryland    | * Rhode Island  |              |

- **Note:** In 2017, a federal judge ruled that sexual orientation & gender identity are protected classes under the Fair Housing Act.

### Is Age a Protected Group?

- The federal **Fair Housing Acts** do not expressly ban discrimination based **on age**.
- Nevertheless, it is definitely forbidden **under** the broader prohibition against discrimination **on** the basis of familial status.

### What About “Active Adult” Communities?

- **Discrimination in Housing Based Upon Familial Status**
- The [Fair Housing Act](#), with some exceptions, prohibits discrimination in housing against families with children under 18. In addition to prohibiting an outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with custody of children.
- For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the total number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants.
- In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children.

- However, some facilities may be designated as Housing for Older Persons (55 years of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, (HOPA) may operate as "senior" housing. The [Department of Housing and Urban Development \(HUD\)](#) has published regulations and additional guidance detailing these statutory requirements.
- <https://www.justice.gov/crt/fair-housing-act-1>

### So What Are the Protected Classes?

**Just remember:**

## “FRESH CORN”

### “FRESH CORN”

**F** Familial Status  
**R** Religion  
**E**  
**S** Sex  
**H** Handicap Status/Disability  
  
**C** Color  
**O**  
**R** Race  
**N** National Origin

*(There's no E or O; easy to remember for Equal Opportunity)*



### So What About Discriminating Against Sexual Orientation in Georgia?

Agents who sign Brokerage Agreements on the Georgia Association of REALTORS® (GAR) forms

- GAR F101 Exclusive & F104 - Non-Exclusive Listing Agreement
- GAR F110 Exclusive & F113 – Non-Exclusive Buyer Agreement
- **Fair Housing Disclosure:** Seller acknowledges that Broker is committed to providing equal housing opportunities to all persons and that Seller and Broker are obligated to comply with state and federal fair housing laws in selling the Property. Seller and Broker agree not to discriminate in the sale of the Property on the basis of race, color, religion, national origin, sex, familial status, disability,
  - sexual orientation
  - or gender identity.

Agents who sign Brokerage Agreements on the RE Forms Contract forms

- RE151 – Exclusive & RE162 - Non-Exclusive Right to Sell Listing Agreement
- RE150 & RE161 – Non-Exclusive Buyer Brokerage Agreement
- “The undersigned Seller and Broker, by their respective signatures, herein agree they will not discriminate against any prospective buyer because of race, color, sex, religion, handicap, familial status, national origin,
- gender identity
- or sexual orientation of such person in accordance with applicable federal and state laws.

### So What About Discriminating Against Sexual Orientation as a REALTOR®?

**Article 10 of the REALTOR Code of Ethics -**

- Realtors® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. Realtors® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. *(Amended 1/14)*
- 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, national origin, sexual orientation, or gender identity. *(Amended 1/14)*

### So What About Discriminating Against Sexual Orientation as a REALTOR®?

- **Article 3 of the REALTOR Code of Ethics -** Realtors® shall cooperate with other brokers except when cooperation is not in the client's best interest. The obligation to cooperate does not include the obligation to share commissions, fees, or to otherwise compensate another broker. *(Amended 1/95)*
- **Standard of Practice 3-11**
- Realtors® may not refuse to cooperate on the basis of a broker's race, color, religion, sex, handicap, familial status, national origin, **sexual orientation, or gender identity.** *(Adopted 1/20)*

### Discrimination Information – Dept. of Justice (DOJ)

- The following slides present information from the US Department of Justice as of 9/20

### Discrimination in Housing Based Upon Race or Color

- One of the central objectives of the [Fair Housing Act](#), when Congress enacted it in 1968, was to prohibit race discrimination in sales and rentals of housing. Nevertheless, more than 30 years later, race discrimination in housing continues to be a problem. The majority of the Justice Department's [pattern or practice](#) cases involve claims of race discrimination. Sometimes, housing providers try to disguise their discrimination by giving false information about availability of housing, either saying that nothing was available or steering homesekers to certain areas based on race. Individuals who receive such false information or misdirection may have no knowledge that they have been victims of discrimination. The Department of Justice has brought many cases alleging this kind of discrimination based on race or color. In addition, the Department's [Fair Housing Testing Program](#) seeks to uncover this kind of hidden discrimination and hold those responsible accountable. Most of the mortgage lending cases brought by the Department under the Fair Housing Act and [Equal Credit Opportunity Act](#) have alleged discrimination based on race or color. Some of the Department's cases have also alleged that municipalities and other local government entities violated the Fair Housing Act when they denied permits or zoning changes for housing developments, or relegated them to predominantly minority neighborhoods, because the prospective residents were expected to be predominantly African-Americans.

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### Discrimination in Housing Based Upon Religion

- The [Fair Housing Act](#) prohibits discrimination in housing based upon religion. This prohibition covers instances of overt discrimination against members of a particular religion as well less direct actions, such as zoning ordinances designed to limit the use of private homes as a places of worship. The number of cases filed since 1968 alleging religious discrimination is small in comparison to some of the other prohibited bases, such as [race](#) or [national origin](#). The Act does contain a limited exception that allows non-commercial housing operated by a religious organization to reserve such housing to persons of the same religion.

### Discrimination in Housing Based Upon Sex, Including Sexual Harassment

- The [Fair Housing Act](#) makes it unlawful to discriminate in housing on the basis of sex. In recent years, the Department's focus in this area has been to challenge sexual harassment in housing. Women, particularly those who are poor, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes.

- The Department's enforcement program is aimed at landlords who create an untenable living environment by demanding sexual favors from tenants or by creating a sexually hostile environment for them. In this manner we seek both to obtain relief for tenants who have been treated unfairly by a landlord because of sex and also deter other potential abusers by making it clear that they cannot continue their conduct without facing repercussions. In addition, pricing discrimination in mortgage lending may also adversely affect women, particularly minority women. This type of discrimination is unlawful under both the Fair Housing Act and [Equal Credit Opportunity Act](#).

### Discrimination in Housing Based Upon National Origin

- The [Fair Housing Act](#) prohibits discrimination based upon national origin. Such discrimination can be based either upon the country of an individual's birth or where his or her ancestors originated. Census data indicate that the Hispanic population is the fastest growing segment of our nation's population. The Justice Department has taken enforcement action against municipal governments that have tried to reduce or limit the number of Hispanic families that may live in their communities. We have sued lenders under both the [Fair Housing Act](#) and the [Equal Credit Opportunity Act](#) when they have imposed more stringent underwriting standards on home loans or made loans on less favorable terms for Hispanic borrowers. The Department has also sued lenders for discrimination against Native Americans. Other areas of the country have experienced an increasing diversity of national origin groups within their populations. This includes new immigrants from Southeastern Asia, such as the Hmong, the former Soviet Union, and other portions of Eastern Europe. We have taken action against private landlords who have discriminated against such individuals.

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### Discrimination in Housing Based Upon Familial Status

- The [Fair Housing Act](#), with some exceptions, prohibits discrimination in housing against families with children under 18. In addition to prohibiting an outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with custody of children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the total number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants.

- In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children. However, some facilities may be designated as Housing for Older Persons (55 years of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, may operate as "senior" housing. The [Department of Housing and Urban Development \(HUD\)](#) has published regulations and additional guidance detailing these statutory requirements.

### Discrimination in Housing Based Upon Disability

- The [Fair Housing Act](#) prohibits discrimination on the basis of disability in all types of housing transactions. The Act defines persons with a disability to mean those individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others.

- Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability. The Division's enforcement of the Fair Housing Act's protections for persons with disabilities has concentrated on two major areas. One is insuring that [zoning and other regulations concerning land use](#) are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act's [accessibility requirements](#) so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs. There are other federal statutes that prohibit discrimination against individuals with disabilities, including the Americans with Disabilities Act, which is enforced by the [Disability Rights Section](#) of the Civil Rights Division.

### Discrimination in Housing Based Upon Disability -- Accessibility Features for New Construction

- The [Fair Housing Act](#) defines discrimination in housing against persons with disabilities to include a failure "to design and construct" certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs. The Act requires all newly constructed multi-family dwellings of four or more units intended for first occupancy after March 13, 1991, to have certain features: an accessible entrance on an accessible route, accessible common and public use areas, doors sufficiently wide to accommodate wheelchairs, accessible routes into and through each dwelling, light switches, electrical outlets, and thermostats in accessible location, reinforcements in bathroom walls to accommodate grab bar installations, and usable kitchens and bathrooms configured so that a wheelchair can maneuver about the space.

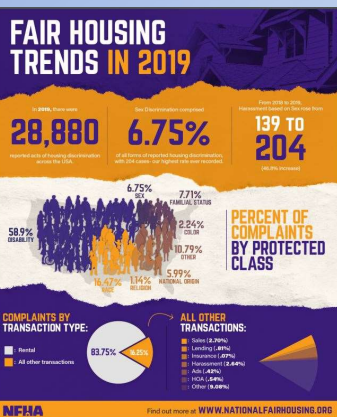
- Developers, builders, owners, and architects responsible for the design or construction of new multi-family housing may be held liable under the Fair Housing Act if their buildings fail to meet these design requirements. The Department of Justice has brought many enforcement actions against those who failed to do so. Most of the cases have been resolved by consent decrees providing a variety of types of relief, including: retrofitting to bring inaccessible features into compliance where feasible and where it is not -- alternatives (monetary funds or other construction requirements) that will provide for making other housing units accessible; training on the accessibility requirements for those involved in the construction process; a mandate that all new housing projects comply with the accessibility requirements, and monetary relief for those injured by the violations. In addition, the Department has sought to [promote accessibility through building codes](#).

### Does the Fair Housing Act apply to Short Term Rentals?

- Answer: **Fair housing** protections exist under both federal and state law. ... For purposes of **fair housing** laws, a "dwelling" **can** be a temporary or seasonal **rental**, as well as a **time** share, cooperative, shelter or other non-traditional **housing**.

### Fair Housing Terms & Agencies

- FHA – Fair Housing Act
- ADA – Americans with Disabilities Act
- HUD – Department of Housing & Urban Development
- FHEQ – Fair Housing & Equal Opportunity
- HP – Housing Provider



### Signs of Discrimination

- Refusing to rent or sell to someone due to their disability
- Being charged extra fees or higher fees
- Refusal to permit modifications such as ramps
- Being told a property is not available when it is
- Refusal to allow Assistance Animals due to a "No Pet" policy
- Being asked to provide a medical history to prove you have a disability



### Sounds of Discrimination



### The Fair Housing Act

- The **Fair Housing Act** (Title VIII of the Civil Rights Act of 1968) introduced meaningful federal enforcement mechanisms. It outlaws: Refusal to sell or rent a dwelling to any person because of race, color, disability, religion, sex, familial status, or national origin. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.
- Effective: April 11, 1968

### 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 & does not use discriminating advertising
- housing operated by religious organizations and private clubs that limit occupancy to members.

### What is Prohibited in the Sale / Rent of Housing?

It is illegal discrimination to take any of the following actions because of race, color, religion, sex, disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- 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

- 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
- Evict a tenant or a tenant's guest
- Harass a person

- 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, 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

### Persons NOT Protected

- Juveniles & Sex Offenders are not considered persons with disabilities
- Persons currently using illegal controlled substances
  - DOES protect persons recovering from substance abuse
- Persons with a disability whose tendency would constitute a "direct threat" to the health or safety of others or result in substantial physical damage to dwelling
  - "Direct Threat" must be based on reliable objective evidence not fear or speculation or stereotype

### Common Fair Housing Lingo

- "Steering"
  - The process of influencing a buyer's choice of communities based upon the buyer's race, color, religion, gender, disability, familial status, or national origin.
- "Blockbusting" or "Panic Selling"
  - When an agent or developer induce people to sell & leave a neighborhood due to the prospective entry of a particular race or ethnicity into the neighborhood
- "Redlining"
  - When agents, lenders, Brokers, Insurance companies stop doing business in a particular neighborhood in other words just write off that neighborhood

### GREC License Law

- **Unfair Trade Practices (OCGA 43-40-25b(1))**
- Because of race, color, religion, sex, disability, familial status, or national origin:
  - A. Refusing to sell after the making of a bona fide offer, or refusing to negotiate for the sale, or otherwise making unavailable or denying, real estate to any person;

- B. Discriminating against any person in the terms, conditions, or privileges of sale of real estate or in the provision of services or facilities in connection therewith;
- C. Making, printing, or publishing or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale of real estate, that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination;

- D. Representing to any person that any real estate is not available for inspection or sale when such real estate is in fact so available; or
- E. Representing explicitly or implicitly that a change has or will or may occur in a block, neighborhood, or area in order to induce or discourage the sale of real estate;

### Other Prohibitions

In addition, it is illegal discrimination to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right
- Retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation

### Additional Protections for Persons with Disabilities

- Housing providers must make reasonable accommodations and allow reasonable modifications that may be necessary to allow persons with disabilities to enjoy their housing. Get more information about reasonable accommodation at [www.HUD.gov](http://www.HUD.gov)
- Certain multifamily housing must be accessible to persons with disabilities.

### Advertising & Marketing

- 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 race, color, religion, sex, disability, familial status, or national origin.

- 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 Advertising Violations

- Including phrases such as “no children,” which indicates discrimination on the basis of familial status, or “no wheelchairs,” which indicates disability discrimination.
- “Perfect for Growing Family”
- “Ideal location for Joggers”

### GREC License Law

- **Advertising Rules (GREC 520-1-.09<sup>(4)</sup>)**
- A licensee shall not advertise to sell real estate when such advertisement is directed at or referred to persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

### GREC License Law

- **Advertising Rules (GREC 520-1-.09<sup>(4)</sup>)**
- The contents of any advertisement must be confined to information relative to the real estate itself, and any advertisement that is directed at or referred to persons of any particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.
- i.e. describe the property & not the person

### Fair Housing Advertising Do's & Don'ts

Fair Housing Do's and Don'ts for Advertising



### Points of Practice as an Agent

- Communication & Interaction
- Paperwork
- Appointments
- Marketing

### SAME Communication

- Treat every prospect, customer, client the same
- Same lingo
- Same effort
- Same forms
- Same scripts
- Same information
- Same policies & procedures

### EQUAL Interaction

- Equal respect
- Equal enthusiasm
- Equal service
- Equal availability of your time & attention
- Equal information
- Equal delivery method of information & communication

### Systematic Buyer & Listing Appointments

- Have a List of Questions You Ask Every Prospect
- For Example:

Listing	Buyer
Reason for Selling	Type of Home
Decision Makers	# of Bedrooms & # of Bathrooms
Target Close Date	Area
Mortgage Payoff Amount	Target Move Date
Known Defects / Repairs	Financing

### Sample Questions for Buyers – from Georgia Association of REALTORS® - Summer 2020

- Do you want a new, existing or historic home?
- What is your price range?
- What size home are you looking for?
- Do you want a condo, townhouse, detached single-family home, or investment property?
- What things do you want to live near? How far away from those things do you want to live? (i.e. work, family, medical facility, recreational area, etc.)

- How many bedrooms would you like to have?
- Do you want to live in a single-floor or multi-floor home?
- Do you want a yard & if so, how large & what type?
- Do you want a pool?
- Is there a particular style of home you want? (i.e. traditional, contemporary, etc.)
- Do you want an open floor plan?
- Do you want a home with a basement?
- Do you want a brick, wooden, vinyl or stucco sided home?

- Do you want to be near a particular road, hwy. or public transportation?
- Do you want to live in an urban, suburban or rural setting?
- Is there a specific school district you want to live in?
- Is ceiling height important to you?
- Do you want an eat-in kitchen?
- Do you have any special desires or requirements for the home you buy?
- Do you have a list of “Must-Haves” vs. “Would Like to Haves?”
- See GAR for more.

### Systematic Buyer & Listing Appointments

- Have the Same Documents for EVERY Buyer & Seller – For Example:

Listing	Buyer
Interview Form	Interview Form
Listing Agreement & Seller Net Sheet	Buyer Brokerage Agreement & Estimated Cash to Close Worksheet
Marketing Plan	Sample Contract
Consumer Brochures	Consumer Brochures
Affiliated Business Disclosure & Wire Fraud Disclaimer	Affiliated Business Disclosure & Wire Fraud Disclaimer
Property Disclosure / Community Association Exhibit / Lead-Based Paint Exhibit	Vendor List
Fair Housing Information	Fair Housing Information

### Consistent Business Policies & Procedures – “This is How I Work”

- I only accept calls between 8am – 9pm – be equally available for all
- I always meet Buyers at the Office for the initial meeting
- I only show properties to Pre-Qualified Buyers – must do for all
- I ask for identification from EVERY Buyer – must do for all
- I only show / list properties in \_\_\_\_\_ area as those are the areas in which I have expertise
- I market properties on FMLS & GAMLS & the internet but do not do any print advertising
- I do not hold open houses
- When I am unavailable, the agent who covers my business is: \_\_\_\_\_
- If you ever have any issues, my Broker is \_\_\_\_\_
- Etc.

**Objective Resources for Information:  
Online, Police Departments, Chamber  
of Commerce, Published Reports, MLS,**

- Demographic Information
- School Reports
- Crime Statistics
- School Information / Rank
- Vendor List
- Loan Type Information
- County Info – Tax, Zoning, Development, etc.
- DO NOT DO YOUR CLIENT’S DUE DILIGENCE
- If you give this info to one client, give to ALL – do not use data sources to discriminate

**Ideas of Documents to Give to  
Prospects**

**Consumer Brochures from GAR**

- CB01 The ABC’s of Agency
- CB04 Lead-Based Paint Pamphlet
- CB07 Mold Pamphlet
- CB08 EPA Home Buyer’s and Seller’s Guide to Radon Pamphlet
- CB10 Protect Yourself When Selling a House
- CB13 Protect Yourself When Buying a Home
- CB16 What to Consider When Buying a Home in a Community with a Homeowners Association (HOA)
- CB19 What to Consider When Buying a Home in a Condominium
- CB22 Protect Yourself When Buying a Home to be Constructed
- CB25 What Buyers Should Know About Flood Hazard Areas and Flood Insurance
- CB28 What Buyers and Sellers Should Know About Short Sales and Distressed Properties
- CB31 What New Landlords Need to Know About Leasing Property

**Consumer Brochures from RE Forms**

- RE140 Disclosure of Information on Lead-Based Paint
- RE141 EPA’s Protect Your Family from Lead in Your Home
- RE142 EPA’s A Brief Guide to Mold, Moisture, and Your Home
- RE143 DeKalb County Plumbing Disclosure Exhibit
- RE144 EPA’s A Citizen’s Guide to Radon
- RE145 Home Selling- The Process
- RE146 Home Buying- The Process
- RE147 Renting Property- The Process
- RE148 Transactions Involving Out of State Residents

- Sample Purchase & Sale Agreements
- EPA Pamphlets – [www.EPA.gov](http://www.EPA.gov)
- HUD Pamphlets – [www.HUD.gov](http://www.HUD.gov)
- Georgia Department of Community Affairs (DCA) Pamphlet on “The Georgia Fair Housing Act”
- Georgia Landlord-Tenant Handbook
- NAR Declaration of Fair Housing
- Brokerage Policies regarding anything that may be relative to this topic (i.e. copy of identification for all prospects)

**What About Animals?**

- Service Animals
- Assistance Animals
- Emotional Support Animal
- Pets

**Disability Discrimination**

- Refusal to make accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use & enjoy a dwelling.
- “Reasonable Accommodation” may mean a physical alteration / addition to property (i.e. ramp) or allowance of a Service or Assistance or Emotional Support animal

### What is a “Disability?”

- Under the Fair Housing Act, a disability is defined as a physical or mental impairment which significantly limits a person’s major life activities. Even if a lease says "no pets" or restricts pets, landlords are required to make what is called a “reasonable accommodation” to allow pets who serve as assistance animals, which includes animals who provide emotional support.

### Obligations of Housing Providers

- Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider’s pet restrictions.
- Housing providers cannot refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

- The Fair Housing Act requires a housing provider to allow a reasonable accommodation involving an assistance animal in situations that meet all the following conditions:
  - A request was made to the housing provider by or for a person with a disability
  - The request was supported by reliable disability-related information, if the disability and the disability-related need for the animal were not apparent and the housing provider requested such information, and

- The housing provider has not demonstrated that:
  - Granting the request would impose an undue financial and administrative burden on the housing provider
  - The request would fundamentally alter the essential nature of the housing provider’s operations
  - The specific assistance animal in question would pose a direct threat to the health or safety of others despite any other reasonable accommodations that could eliminate or reduce the threat
  - The request would not result in significant physical damage to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage

### What are “Assistance Animals?”

- Assistance animals are in a different legal classification than pets who are not assistance animals, which is why pet restrictions and fees are waived for them. They are animals that work, assist and/or perform tasks and services for the benefit of a person with a disability or provide emotional support that improves the symptoms of a disability.

- There is no official certification or training for assistance animals, and they can assist in a wide variety of ways. Breed and weight restrictions do not apply to assistance or service animals.

### Service Animal vs. Assistance Animal

- Service animals are categorized as animals trained to do a specific task for their owner. The most common example is a guide dog. Service animals are allowed in public accommodations because of the owner's need for the animal at all times.
- An assistance animal can be a cat, dog or other type of companion animal, and does not need to be trained to perform a service. The emotional and/or physical benefits from the animal living in the home are what qualify the animal as an assistance animal. A letter from a medical doctor or therapist is all that is needed to classify the animal as an assistance animal.

- The fact that the term "service animal" is often used by landlords and public housing authorities to refer to both service dogs and assistance animals often creates confusion.

### Examples of Assistance Animals

- A cat who can detect and alerts their companion of oncoming seizures .
- A dog who alleviates a person's depression or anxiety.
- A cat who reduces a person's stress-induced pain.
- A bird who alerts their hard-of-hearing companion when someone has come to the door.
- Note: Assistance "Animal" can potentially be any species!

### Asking About Existence of a Disability: ILLEGAL

- To ask if applicant has a disability or anyone living in property has one or anyone associated has one
- To ask about nature or severity of disability
- To ask for proof of disability

### Asking About Existence of a Disability: LEGAL

- To ask of an applicant's ability to meet requirements of tenancy
- To ask if applicant is a current illegal abuser or addict of a controlled substance
- To ask if applicant qualifies for a property legally available only to persons with disability

### Provider MAY Request Information Necessary to Evaluate if Requested Reasonable Accommodation is Necessary – but BE CAUTIOUS!!!

- Necessary to verify the person's ability to meet the Act's Definition = physical or mental impairment that substantially limits one or more major life activities
- This applies for requested accommodations AND Service / Assistance Animals



### Demonstrating that Animal is an Assistance Animal

- Tenant should provide your landlord with a letter from your doctor/therapist stating you have a disability and explaining how your pet is needed to help you cope with this disability and/or improves its symptoms. Attach a brief personal statement explaining to the landlord that you are asking for “a reasonable accommodation to keep your pet who functions as an assistance support animal.”
- Landlords must agree to a reasonable accommodation request if the disability claim is true and if the request does not create a hardship on the landlord or other tenants. If your request for a reasonable accommodation is denied by the landlord, you have the right to request that a government agency investigate your claim that the landlord is discriminating against you.

### Demonstration & Evaluation & Certification

- Series of Questions depending upon if disability is observable or not, if animal work task is identified
- Information from a licensed health care professional
- Relationship between disability and need for assistance
- Is animal commonly kept in households?
- Is animal unique?

### “Certification”

- There is no such thing as a certificate or a certification program that officially qualifies an animal as an emotional support animal under law. The only legitimate way to qualify your dog as an Emotional Support Animal is by obtaining a [recommendation letter from a licensed mental health professional](#). If you do not have a therapist or are having trouble finding one, you can connect with a mental health professional through an online platform.
- A landlord or anyone else that asks you for a registration number, certificate or ID proving your dog or other animal is an emotional support animal is misinformed. The only proof you need is the ESA letter written by a licensed professional stating your need for an emotional support animal.
- To be absolutely clear, if you do obtain an ESA letter, you are also not required to “register” your dog on any website. Fair Housing and Air Carrier Access Act rules do not recognize certifications or registrations of emotional support animals.

### “Online” Certificates

The screenshot shows three separate advertisements for online ESA services. The first ad is from 'www.therappet.org' and offers a 24-hour service for \$49. The second ad is from 'www.pdscenter.com' and offers 'Instant ESA Letters - Same Day' for \$49. The third ad is from 'www.unitedservicedog.com' and offers to 'Certify Your Dog for \$14.99 - Same Day Approvals'. Each ad includes details about the service, pricing, and contact information.

### Steps

- Intake
  - Compliant & Interview
- Investigation Process by HUD
- Conciliation or Voluntary Compliance
- Legal Action

### Pet Fees

- Service and assistance animals are not technically pets and owners do not have to pay pet fees. The landlord, however, can charge a security deposit and may still seek money from the tenant if there is any damage caused by the animal to the home. Also, if there is a nuisance issue the landlord does have the right to try to remove the assistance animal through legal proceedings.

### Contract Forms

- Georgia Association of REALTORS® (GAR)
- F810 – Pet Exhibit

Resident's Initials	**Service Animal or Emotional Support Animal** Owner does not require a pet deposit or fee for a service animal or emotional support animal as defined by the Americans with Disabilities Act, as amended. There is no restriction regarding the Service Animal or Emotional Support Animal with respect to the animal's breed or size. However, the owner of the animal is liable for any damages caused by the animal above and beyond the normal wear and tear a human tenant might reasonably cause. This includes teeth marks on trim, carpet torn by a dog's digging, and carpet soiled by dog waste or vomit. Sec 504, Title II, Americans with Disabilities Act.
Owner's Initials	
Service Animal / Emotional Support Animal Description	
Registration # (if applicable)	

- RE Forms RE240 – Pet Exhibit
  - Not addressed – this is only for “Pets”

### Federally Licensed Emotional Support Alligator



### NAR on Fair Housing

- Fair housing is more than a list of dos and don'ts, rights and penalties, and mandatory continuing education. As stewards of the right to own, use and transfer private property, fair housing protects our livelihood and business as REALTORS® and depends on a free, open market that embraces equal opportunity.
- REALTORS® recognize the significance of the [Fair Housing Act](#) and reconfirm their commitment to upholding fair housing law as well as their commitment to offering equal professional service to all in their search for real property.

### NAR Fair Housing Action Plan

- NAR's [Fair Housing Action Plan](#), abbreviated 'ACT,' emphasizes (A)ccountability, (C)ulture Change, and (T)raining in order to ensure America's 1.4 million REALTORS® are doing everything possible to protect housing rights in America.
- Also, [print a copy of the REALTOR® Fair Housing Declaration](#) and post it in your office and/or association.

### NAR Fair Housing Declaration: I Agree to:

- Provide equal professional service without regard to the race, color, religion, gender (sex), disability (handicap), familial status, national origin, sexual orientation or gender identity of any prospective client, customer, or of the residents of any community.
- Keep informed about fair housing law and practices, improving my clients' and customers' opportunities and my business.
- Develop advertising that indicates that everyone is welcome and no one is excluded; expanding my client's and customer's opportunities to see, buy, or lease property.
- Inform my clients and customers about their rights and responsibilities under the fair housing laws by providing brochures and other information.

- Document my efforts to provide professional service, which will assist me in becoming a more responsive and successful REALTOR®.
- Refuse to tolerate non-compliance.
- Learn about those who are different from me, and celebrate those differences.
- Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.
- Develop and implement fair housing practices for my firm to carry out the spirit of this declaration.

### Resources

- DCA (in Georgia): <https://www.dca.ga.gov/safe-affordable-housing/rental-housing-assistance/housing-choice-voucher-program-formerly-known/fair>
- <https://www.justice.gov/crt/fair-housing-act-1>
- NAR: NAR: <https://www.nar.realtor/fair-housing>
- DOJ: <https://www.justice.gov/crt/fair-housing> & <https://www.justice.gov/crt/fair-housing-act-1>
- HUD: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](https://www.hud.gov/program_offices/fair_housing_equal_opp)
- National Fair Housing Alliance: <https://nationalfairhousing.org/>
- HUD on Assistance Animals: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/assistance\\_animals](https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals)
- ADA on Assistance Animals: [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)
- Humane Society: <https://www.humanesociety.org/resources/fair-housing-act-and-assistance-animals>

### Thank You!

- Remember to Confirm all Contract Questions with your Broker!
- Please attend Additional Courses: [www.registerforREclasses.com](http://www.registerforREclasses.com) – select “Marietta” for the Calendar of VIRTUAL Classes
- Course Offered through: Georgia Real Estate Academy (GREC School #6915)
- VIRTUAL Class Credits to be recorded within 3 – 5 Business Days
- **Contract Tip Videos: YouTube Channel:**
- **“Real Estate Made Crystal Clear”**