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Fair Housing: Opening Doors to Equal Opportunities #26089

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- ✓ be present in the course during all instruction periods
- ✓ return a completed evaluation to facilitator at the end of course
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FAIR HOUSING

**Opening Doors To
Equal Opportunity**



**EQUAL HOUSING
OPPORTUNITY**

**Tom Gillett, President
The Tom Gillette Company, Inc.
404-372-1969**

1. Under federal fair housing laws, it is legal to prohibit which of the following in a housing unit?

- Smoking
- A live-in caregiver for a resident with a disability
- Drinking alcohol
- Both a and c

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

- A seller tells you he doesn't want to sell to African-Americans
- A sales associate puts the phrase "adults only" in an MLS listing
- Both a and b
- None of the above

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

- Race, color, source of income, handicap, national origin, marital status, religion
- Race, color, religion, sex, handicap, familial status, national origin
- Race, sexual orientation, sex, familial status, handicap, age, national origin
- None of the above

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

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

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

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

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

- A divorced female, single parent
- A 35-year-old single, Jewish man
- A 50-year-old white man
- All of the above

7 . The Equal Professional Service Model involves all of the following key guidelines except

- Have I offered a variety of choices?
- Is my client working with another agent?
- Has my customer set the limits?
- Do I have objective information?

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

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

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?

- The prospective buyer
- The real estate practitioner
- The federal government
- All of the above

10. Looking at the following four marketing examples, identify which one is OK under Article 10 of the Code of Ethics?

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

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

- Small, cozy home in quiet neighborhood
- Two-bedroom home, near playground and senior center
- Ideal for couple or single professional
- No children

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

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

Welcome

sales

*fair*housing



*Shared Neighborhoods,
Equal Opportunities*

Fair Housing

sales

Fair Housing means every person has the same opportunities to purchase, lease, or occupy residential real property.

overhead 2

Fair Housing laws prohibit:

sales

- Refusal to show, sell, or rent a property
- Differing treatment
- Panic selling or blockbusting
- Steering
- Discriminatory advertising or statements
- Threats or interference with a person's fair housing rights

overhead 3

Classes Protected by Federal Law

sales

The Fair Housing Act and its amendments identify these protected classes:

- Race
- Color
- Religion
- Sex
- Handicap
- Familial Status
- National Origin

overhead 4

Easy way to remember the protected classes

sales

<u>R</u> EALTORS®	Race
<u>C</u> an	Color
<u>R</u> eally	Religion
<u>S</u> ell	Sex
<u>H</u> ouses	Handicap
<u>F</u> ast	Familial Status
<u>N</u> ow	National Origin

overhead 5

FEDERAL	STATE OF	CITY OF
Race		
Color		
Religion		
Sex		
Familial status		
Handicap		
National origin		

Overhead 6

The Fair Housing Act uses the term “handicap” with respect to a person who:

sales

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such impairment
- Is regarded as having such an impairment

overhead 7

History of Fair Housing

sales

1789	United States Constitution
1856	Dred Scott Decision
1866	13th and 14th Amendments to the United States Constitution
1866	Civil Rights Act
1874	Plessy V. Ferguson
1968	Federal Fair Housing Act
1974	Fair Housing Act Amendment
1988	Fair Housing Act Amendment
1995	Congress clarified the Housing for Older Persons Exemption

overhead 8

Fair Housing Exemptions

sales

There are no exemptions for race or color. The Fair Housing Act exempts the following from its coverage:

- FSBO
- “Mrs. Murphy’s”
- Religious organizations and private clubs
- Housing for older persons

overhead 9

For Sale By Owner Exemptions

sales

- The owner does not own, or have ownership interest in, more than three single-family houses at any one time
- The house is sold or rented without the use of a real estate agent, broker, or any other person in the business of selling or renting dwellings
- The owner does not reside in the property at the time of the sale or was not the most recent resident prior to the sale (This exemption applies to only one such sale in a 24-month period.)
- The house must be sold or rented without the use of discriminatory advertising

overhead 10

Mrs. Murphy's Exemptions

sales

- Mrs. Murphy's exemption is the common description of the exemption that applies to an owner-occupied building with four or fewer units.
- The house must be sold or rented without the use of discriminatory advertising.

overhead 11

Religious Organizations or Private Club Exemption

sales

Religious organizations or private clubs that own dwellings may limit the sale, rental, or occupancy of such dwellings to persons of the same religion or give preference to such persons.

overhead 12

Housing for older persons refers to three types of housing:

sales

- Senior housing that is provided under federal or state programs
- Housing that is intended for and solely occupied by persons 62 years of age or older
- Housing intended and operated for occupancy by persons 55 years of age or older

overhead 13

To qualify as 55 and over housing:

sales

- At least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age or older
- The housing facility or community must publish and adhere to policies and procedures that demonstrate this intent to be housing for older persons
- The housing facility or community must comply with rules issued by the Secretary of HUD for verification of occupancy

overhead 14

Obtaining a Listing

sales

Take advantage of your opportunities to educate a seller about the fair housing laws before the listing agreement is signed.

overhead 15

Listing Procedures

sales

- Express a commitment
- “What Everyone Should Know...” brochure
- Review brochure with the seller
- Read and discuss the listing agreement
- Obtain seller’s written commitment to abide by the law (This may be achieved with the listing agreement.)

overhead 16

How would you advertise this house?

A for-sale-by-owner that’s been on the market for six months

Features:

- 1 Bedroom
- 1 Bathroom
- Living room/dining room/kitchen area
- 650 sq. ft.
- Small, unfinished basement



overhead 17

Discriminatory Language - Example 1

Cozy,
One-bedroom
home!



Great for empty
nesters!

- Close to walking path and transportation.
- Quiet neighborhood
- Unfinished basement makes for great office space.

overhead 18

Discriminatory Language - Example 2

One-bedroom, one-bathroom home in quiet neighborhood. Great location for mature person.

overhead 19

Non-Discriminatory Language



One-bedroom cottage in convenient neighborhood

Nearby walking path through great park!

Close to shopping, schools, and transportation

overhead 20

Fair Housing and Advertising

sales

The Fair Housing Act prohibits the making, printing, or publishing of any statement, notice, or advertisement in connection with the sale or rental of housing that expresses a preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin.

overhead 21

Advertising Language Guidelines

sales

Focus on describing the property (not the tenant, purchaser, seller, owner, or neighbors).

overhead 22

Approaches to becoming more sensitive to language that may express a preference, limitation, or discrimination:

sales

- Ask questions of your coworkers
- Talk to community groups
- Use HUD's guidelines in the Fair Housing Handbook
- See the memo from Roberta Achtenberg

overhead 23

Examples of Illegal Target Marketing

sales

- Advertise only in select editions of the local newspaper
- Advertise only in a strategically-limited, geographical area that is populated by particular racial, ethnic or religious groups of people
- Limit advertising to small papers or free journals (as opposed to general circulation papers") because these publications cater to particular racial, ethnic or religious groups of people
- Use only "niche" publications that do not have general readership, and these publications cater to particular racial, ethnic, or religious groups of people
- Promote the home only in selected sales offices

overhead 24

Why collect & document information?

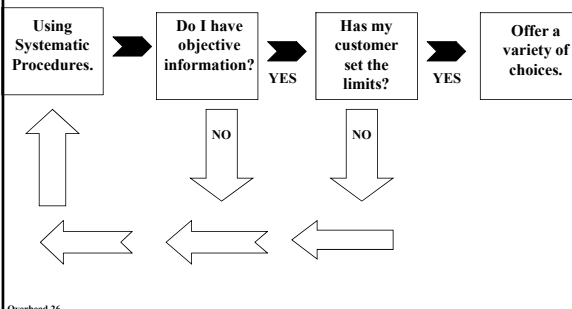
sales

- A prospect database is created
- Follow-up information is recorded
- Information is readily available
- Documentation provides a defense against claims that fair housing laws have been violated
- Activities are recorded for future reference
- Fair housing compliance is monitored to make corrections (as necessary)

overhead 25

Equal Professional Service Model

RECORD KEEPING



Overhead 26

Benefits of Obtaining Objective Information

sales

- Documentation provides a defense against claims
- It is good business practice - ethically & professionally
- Opportunities to make corrections (as necessary)
- It makes a sales associate a problem solver
- It saves a sales associate time
- Activities are recorded for reference
- Information is readily available

overhead 27

Selecting Homes to View

sales

- Select homes that are at both the upper and lower ends of the homebuyer's price range
- Take the homebuyer's wants and needs into careful account
- Develop a list of properties available in the areas requested
- Allow the homebuyer to determine the properties to be viewed
- Consider homes that meet the homebuyer's needs, in all areas, when a specific area has not been requested

overhead 28

Steering

sales

Steering takes place when locational choices are made for a buyer based on:

- The race, color, national origin, religion, familial status, sex, or handicap of the buyer
- Changes in the composition of a community

overhead 29

Evaluating Office Procedures

sales

- How do the procedures promote fair housing?
- How would you implement the procedures?
- What objections do you have to these procedures?
- What other procedures could be developed to achieve the same fair housing goals?

overhead 30

Equal Housing Opportunity Logo



overhead 31

Who can file a fair housing complaint?

sales

Aggrieved persons, including real estate professionals and testers, who believe that they have been injured by a discriminatory housing practice.

overhead 32

Actual Damages & Injunctive Relief

sales

Include any out-of-pocket costs (e.g. what the plaintiff spent obtaining alternate housing and additional rent or costs associated with it).

Actual damages are also injuries such as:

- Emotional distress
- Humiliation
- Mental anguish
- Other psychological conditions

overhead 33

Temporary Injunction

sales

A temporary injunction typically prohibits a property owner from renting the unit in question until the case is settled.

overhead 34

Permanent Injunction

sales

- Can be set for a specified or permanent amount of time
- Prohibits the wrongdoer from engaging in a discriminatory housing practice

overhead 35

Mandatory Injunction

sales

- May require the wrongdoer to take positive steps toward correcting the effects of prior illegal discrimination such as requiring a firm to:
 - Establish office procedures
 - Maintain records
 - Institute training
 - Promote equal housing opportunities through outreach programs or advertisements

overhead 36

Civil Penalties

sales

Depending on the number of prior offenses committed, an Administrative Law Judge (ALJ) can impose civil penalties.

overhead 37

Punitive Damages

sales

A monetary award paid to the aggrieved person

- Designed to punish the wrongdoer and prevent future misconduct
- No limit to the amount of punitive damage awards

overhead 38

Be Bold and Be Different!!!

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www.iret.info



Thank You!!

Y'all let me hear from 'ya now...cher'?



The Tom Gillette Company, Inc. Monroe, GA 2019

Georgia Association REALTORS® - Partners in Education

Student Course / Instructor Evaluation

Course Name _____

Instructor _____

Date _____

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PLEASE FILL IN THE BUBBLES COMPLETELY SO ANSWERS ARE SCANABLE.

Please do NOT use check marks, x's or any other type of mark.

The instructor encouraged my participation through questions and answers or exercises.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The instructor presented ideas clearly and made the subject matter interesting.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The use of the outline / handouts for study and / or reference was helpful.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The topic is relevant / helpful to my real estate activities.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

I would want this instructor back.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Additional Comments:

Thank you for your input. (Revised 5-2017)