

Fair Housing and Ethical Practices
Unit 19

1

The First Act

Page 476

Civil Rights Act of 1866

- * Prohibits ANY discrimination based on race.
- * No EXCEPTIONS
- * Still in play today!!!

2

Civil Rights Act of 1968 – Federal Fair Housing Act

P476-477

Title VIII of Civil Rights Act of 1968

Seven (7) protected classes!

3

Fair housing: protected classes P476-477

- *Familial Status
- *Race
- *Equal
- *Sex
- *Handicap
- *Color
- *Opportunity
- *Religion
- *National Origin

4

Equal Housing Opportunity p478



**EQUAL HOUSING
OPPORTUNITY**

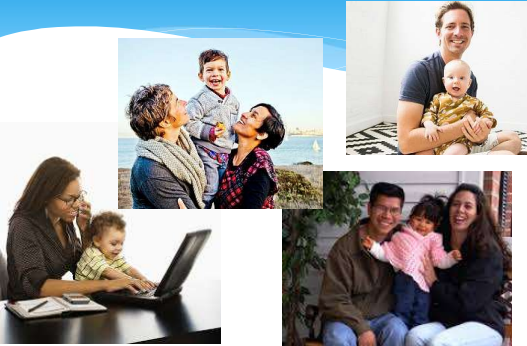
5

FAIR HOUSING –NO ONE MAY.. p479

- Refuse to sell, rent or negotiate a sale or rental
- Set different terms, conditions, or privileges
- Represent a property is not for sale or rent when it is
- Profit by induction people to sell or rent based on a protected class being in a neighborhood (Blockbusting/Panic Peddling)
- Altering or denying a loan as a means of discrimination (redlining)
- Denying membership in a MLS or other organization

6

Familial status: DEFINITION p48o



7

Handicap

* Handicap is an impairment that substantially limits one or more of a person's major life activities.



8

Handicap 

* People with disabilities are permitted to ask for reasonable modifications to a home at their own expense. But they may be required to return it to its original condition when they move.

* ADA – American with Disabilities Act is specified for public and common use portions of buildings – particular to commercial properties

9

RULE A.1601: Fair housing p481

*** EXEMPTIONS:**

The sale or rental of a single family home is exempt when:

- * The home is owned by an individual who does not own more than three such homes at one time and who does not sale more than one every two years**

10

RULE A.1601: Fair housing p481

*** Exemptions:**

The sale or rental of a single family home is exempt when:

- * A real estate broker is not involved in the transaction**

11

RULE A.1601: Fair housing p481

*** Exemptions:**

The sale or rental of a single family home is exempt when:

- * Discriminatory advertising is not used**

12

RULE A.1601: Fair housing p481

**Exemptions:*

The rental of rooms or units is exempt in an owner-occupied 1 -4 family dwelling, Religious Organizations and private clubs

13

Housing for Older Persons p481

The Housing for Older Persons Act of 1995 (HOPA)

Exemptions for occupancy in communities intended solely for 62 years or older

14

Fair housing complaints in NC 28
(2017) 28,843 Complaints

Category	Percentage
Disability	57%
Race	19%
Other	14%
Familial Status	9%

Statistics provided by NC Human Relations Commission.

15

Who Governs Enforcement

- * Office of Fair Housing and Equal Opportunity (OFHEO)
- * Complaints under the Civil Right Act of 1866 are taken directly to the federal courts.

16

NC Fair Housing Act of 1983

- * This act prohibits the same activities as the federal law. Thus one discriminatory act violates BOTH federal and state law.
- * Exemptions apply but remember the stronger Act governs!
- * Enforcement is through *NORTH CAROLINA HUMAN RELATIONS COMMISSION*

17

EXEMPTIONS FOR STATE

- * Federal Act allows Private owners selling on their own without an agent to “quietly discriminate” – the state law DOES NOT.
- * State Act allows exemptions for 1-4 family units if owner or a family member lives in one unit. Federal says it has to the owner.
- * State exempts same sex dorms Federal law does not

18

ENFORCEMENT FOR STATE

NORTH CAROLINA HUMAN RELATIONS COMMISSION

19

Prohibited Practices

- * Blockbusting or Panic Peddling
- * Steering or Channeling
- * Advertising
- * Brokerage Services
- * Appraising
- * Redlining

20

Intent and Effect

- * If you allow it to go on you are as guilty as the person actually doing it!

21

Threats of Violence

Brokers may experience threats for complying with Fair Housing. These are punishable by criminal action.



22

Sexual Harrasment



23

Sexual Harrasment

- * Verbal
- * NonVerbal
- * Physical Harassment

24

ADA – Americans with Disabilities Act



25

ADA – Americans with Disabilities Act

- * Title I – Covers employees of a Company with 15 or more workers
- * Title III – Provides for accessibility To goods and services



26

ECOA

- * **Equal Credit Opportunity Act** – Requires nondiscrimination in the granting of credit.
- * Adds the two classes of Marital Status and Age

27

p36

Professional Ethics

- * System of moral principles over and above legal requirements
- * NAR's Code of Ethics
 - * *Standards of Practice*
 - refresher course every two years beginning in 2017
 - * Added "sexual orientation" as protected class for REALTORS®

