

## Frequently Asked Questions

### Fair Housing for the Real Estate and Rental Professional

#### Advertising and Marketing

##### **How can I safely market my property under Fair Housing Laws?**

Describe the features of the property and avoid describing whom you think would like to buy or rent the property. For example, instead of advertising a property as “perfect for a professional couple” market the features such as high-speed internet that cannot be misinterpreted as discouraging families with children. Fair housing laws apply to all types of advertising and marketing, including internet media.

If you use images or pictures in any of your advertisements, try to include men, women, children, people with disabilities, and people of various races, nationalities, and ages.

Avoid advertising in a strategically limited geographic area or in a small newspaper that targets particular ethnic (religious, racial) groups.

Real estate offices are required to display the Equal Housing Opportunity logo. Including the logo in your advertisements is a great way to show you support fair housing.

##### **Can I affirmatively market to specific protected classes?**

Yes. Fair Housing laws permit you to affirmatively market your property in the following ways: you may advertise the home is accessible for people with disabilities; you may state that families are welcome; and you may advertise that a home is for seniors (so long as the property meets the Housing for Older Persons Act (HOPA) requirements).

##### **What can I say about my property/housing unit?**

Avoid making statements that indicate a preference or discouragement based on someone’s protected class. For example, if you tell a family with small children that you think the porch on the house they want to look at isn’t safe for children and that they may prefer a different house, they may construe your comment as **steering** them away from the house.

#### Working with Buyers/Renters

##### **Many of my prospective tenants/clients ask questions about the neighborhood, such as “Who lives here? Are there a lot of (fill in ethnic or racial group)?”**

Let your clients/potential tenants know that you cannot provide information about protected classes under the fair housing law. In order to provide good customer service, many real estate agents give their clients a resource packet that includes a broad range of information including resources to locate up-to-date information on the demographics of the neighborhood. **Never estimate or give an opinion of the racial, religious, or ethnic composition of a neighborhood.**

##### **Many of my prospective tenants/clients inquire about the schools in the area, but I think they are really inquiring about the racial make-up of the neighborhood.**

If you make either complimentary or critical comments about schools based upon the race/ethnicity/nationality of the client and/or the characteristics of the school population, you are in violation of fair housing laws. Several fair housing law suits that have gone to trial allege that racial steering occurred when a real estate professional made comments about schools that were based upon race. Provide your client with reliable and authoritative information on schools such as student-teacher ratio, percentage of students who go to college, etc. OR tell your client that you do not maintain statistics regarding the school district and that he/she ought to contact the school district directly or perhaps talk to some of the potential new neighbors about how they feel about the school.

The key to fair housing is providing **equal opportunities and services** to all people.

- Use systematic procedures
- Obtain objective information
- Let the customer set the limits
- Provide a variety of choices
- Document the services you provide



## Can I tell people how to find out if sex offenders live in their neighborhood?

Yes. Giving potential tenants/clients information on how to find out if sex offenders live in the neighborhood does not violate fair housing laws.

## Working with Sellers

**Most homeowners believe that he/she has the right to sell his/her house to whomever they choose; this includes choices made for discriminatory reasons.**

It is important to inform the seller that there can be no discrimination on the basis of race, color, religion, sex, handicap, etc. in the sale of the property. A suggested response would be “you have the absolute right to sell your home to anyone at your required price as long as you don’t discriminate among otherwise qualified buyers on the basis of race (or color, religion, sexual orientation, etc.).”

**I have a client that wants to see photos from potential buyers. I think she wants to exclude buyers who aren’t white.**

If your client considers any other factors besides **price and terms**, she could be opening herself up to a fair housing complaint. If your client wants to take other factors into account, she must be able to provide a business-related reason that is not related to protected class status.

## Working with People with Disabilities

**Under Fair Housing laws who is considered to be disabled and who is not?**

The definition of disability includes people who have a current mental or physical disability, as well as people who have a record or history of a disability. In general, the laws also protect nondisabled people who are regarded or perceived as being disabled. Fair Housing laws DO NOT protect current illegal drug users or anyone with a conviction for the illegal manufacture or distribution of a controlled substance.

Here are some examples that should NOT be asked in regards to someone’s disability:

- What is your disability?
- How severe is your disability?
- Why are you getting SSI?
- Can I see your medical records?

**A potential tenant with a wheelchair wants to build ramp, at his own expense, on my rental property. Am I required to allow this?**

Under Fair Housing laws, persons with disabilities are allowed to make “reasonable modifications.” This includes a physical change to the property necessary for the full enjoyment of the housing. In addition, disabled persons may request other “reasonable accommodations” which may include a change, adaptation or modification to a policy, program, or service which will allow a person with a disability to benefit. For example, a blind tenant may ask you to read the lease out-loud before she signs it. Under Fair Housing laws, you are required to make reasonable accommodations and allow reasonable modifications.

**An apartment building with a “no pets” policy is refusing to allow my client to rent a unit because he has an emotional support animal.**

A service animal is not a pet, and is considered a reasonable accommodation. Regardless of a “no pet” policy, the apartment building must allow your client to rent a unit and live there with his service animal. In addition, they are not permitted to charge a pet deposit.

While most service animals are dogs, there may be other species such as cats, monkeys, or other reasonable animals. Service animals may be of any breed, size, or weight. They do not need to wear any visible identification, though most owners choose to put special collars or harnesses on their animals.

It may not be immediately obvious what an individual’s disability is or why he/she needs a service animal. It is not appropriate to ask. The apartment’s property management may request that your client provide a letter verifying that he has a disability and has a disability-related need for this animal.

HAVE SPECIFIC  
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PLACE.

FOLLOW YOUR  
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