

Equal Housing Opportunity

What everyone should know about Equal Opportunity in Housing

The Law

Equal Opportunity in Housing is the law of the land and the right of all in this country without regard to race, color, religion, sex, handicap, familial status, or national origin.

Civil Rights Act of 1866

The Civil Rights Act of 1866 provides that 'All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.' In the case of Jones vs. Mayer decided on June 17, 1968, the U.S. Supreme Court held that the 1866 law prohibits "all racial discrimination, private as well as public, in the sale or rental of property."

Fair Housing Act

The Federal Fair Housing Act declares a national policy of fair housing throughout the United States. The law makes illegal any discrimination in the sale, lease or rental of housing based on race, color, religion, sex, handicap, familial status or national origin. The law requires that all people be treated equally with respect to the terms or conditions of sale, purchase, lease or rental and prohibits making housing unavailable because of race, color, religion, sex, handicap, familial status or national origin.

Americans with Disabilities Act

Title III of the Americans with Disabilities Act prohibits discrimination against persons with disabilities in places of public accommodations and commercial facilities.

Equal Credit Opportunity Act

The Equal Credit Opportunity Act makes discrimination unlawful with respect to any aspect of a credit application on the basis of race, color, religion, national origin, sex, marital status, age or because all or part of the applicant's income derives from any public assistance program.

State and Local Laws

State and local laws often provide broader coverage and prohibit discrimination based on additional classes not covered by federal law.

Responsibilities

The home seller, the home seeker, and the real estate professional all have rights and responsibilities under the law.

Home Sellers and Landlords

You should know that as a home seller or landlord you have a responsibility and a requirement under the law not to discriminate in the sale, rental and financing of property on the basis of race, color, religion, sex, handicap, familial status or national origin. You cannot instruct the licensed broker or salesperson acting as your agent to convey for you any limitations in the sale or rental, because the real estate professional is also bound by law not to discriminate on the basis of race, color, religion, sex, handicap, family status or national origin.

Under the law, a home seller or landlord cannot establish discriminatory terms or conditions in the purchase or rental; deny that housing is available for inspection, sale, or rent when in fact it is available or advertise that the property is available only to persons of a certain race, color, religion, sex, handicap, familial status or national origin.

Home Buyers and Seekers

You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion, sex, handicap, familial status, or national origin. This includes the right to expect:

- housing in your price range made available to you without discrimination
- equal professional service

- the opportunity to consider a broad range of housing choices
- no discriminatory limitations on communities or locations of housing
- no discrimination in the financing, appraising, or insuring of housing
- reasonable accommodations in rules, practices and procedures for persons with disabilities
- non-discriminatory terms and conditions for the sale, rental, financing, or insuring of a dwelling
- to be free from harassment or intimidation for exercising your fair housing rights.

Real Estate Professionals

As a home seller or home seeker, you should know that the term REALTOR® identifies a licensed professional in real estate who is a member of the NATIONAL ASSOCIATION OF REALTORS®. Not all licensed real estate brokers and salespersons are members of the National Association, and only those who are can identify themselves as REALTORS®. They conduct their business and activities in accordance with a strict Code of Ethics.

As agents in a real estate transaction, licensed brokers or salespersons are prohibited by law from discriminating on the basis of race, color, religion, sex, handicap, familial status or national origin. A request from the home seller or landlord to act in a discriminatory manner in the sale, lease or rental cannot legally be fulfilled by the real estate professional.

Realtor® Equal Opportunity Program

The National Association of Realtors® has developed a Fair Housing Program to provide resources and guidance to Realtors® in ensuring equal professional services for all people.

Realtor® Code of Ethics

Article 10 of the National Association of Realtors® Code of Ethics requires that "Realtor® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status or national origin. REALTORS® shall not be a party to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status or national origin".

A Realtor® pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations upon REALTORS® and is also a firm statement of support for equal opportunity in housing.

Realtor® Voluntary Affirmative Marketing Agreement

The Voluntary Affirmative Marketing Agreement, negotiated with the U.S. Department of Housing and Urban Development outlines a program of voluntary compliance in which Realtors® voluntarily agree to certain activities and programs to acquaint the community with the availability of equal housing opportunity, to establish office procedures to ensure that there is no denial of equal professional service, to make materials available which will explain this commitment and to work with other groups within the community to identify and remove barriers to fair housing.

If you believe that your rights have been violated contact:

U.S. Department of Housing and Urban Development (HUD)

New York City Regional Office
 Jacob K. Javits Federal Building
 (Broadway - between Duane & Worth Streets)
 26 Federal Plaza, Room 3541
 New York, New York 10278-0068
 Phone: (212) 264-8000
 Fax: (212) 264-2780
 TTD: (212) 264-0927
 Web: <http://www.hud.gov/>

Call the Local Board of REALTORS®

Local Boards of REALTORS® will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards of REALTORS® have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.