



**HOW TO HANDLE CHALLENGING**

# **FAIR HOUSING DISCUSSIONS**

*Recommendations on how best to respond to questions  
from buyers and sellers that may violate fair housing laws.*



## HOW TO HANDLE CHALLENGING FAIR HOUSING DISCUSSIONS

What would you do if a client, customer, another real estate licensee or tester asks you for information that can lead to a violation of fair housing laws?

Fair housing laws exist to help everyone have access to housing without discrimination. Violating fair housing laws can harm your reputation, cost you thousands of dollars in attorney's fees, compensation, and fines and even result in the loss of your real estate license.

To avoid any possible discrimination, discuss fair housing requirements with sellers, landlords, buyers, and tenants *up front* before any situations arise. Be prepared to present your brokerage policies and procedures, such as:

*“Our brokerage complies with fair housing laws. We can't discriminate or help you discriminate.”*

*“We will use advertising or marketing that does not include a preference for a buyer or tenant based on race, age or familial status, etc.”*

*“We can't present letters and photographs from buyers that reveal their marital status, familial status, sexual orientation, race or other protected class.”*

*“We can't answer questions about the buyers or tenants' race, their national origin, marital status, age, children or other protected class.”*

*“We will show this property to all qualified buyers and tenants, including those with housing vouchers.”*



## POSSIBLE VIOLATIONS & RECOMMENDED RESPONSES

To help protect and prepare yourself, here are some examples of fair housing communication breaches and tips on how to properly respond:

### 1 *Which communities have good schools?*

#### RECOMMENDED RESPONSES

- *"What does a good school mean to you?"*
- *"I can't refer you to specific schools, but you can check out web sites like the REALTORS Property Resource® (RPR), the RI Department of Education, Niche, and Neighborhood web sites."*

**TIP** Don't share your opinions about school. Be the "source of the source." Refer clients to government officials and web sites for information about schools, crime, traffic, and more.

### 2 *What kind of people are selling this property? It looks like the sellers are . . .*

#### RECOMMENDED RESPONSES

- *"Why do you ask?"*
- *"As I explained earlier, fair housing laws won't allow us to discuss the seller's race, ethnic background, religion, etc."*
- *"I can't help you with that."*

**TIP** Encourage sellers to depersonalize their home by removing personal photographs, art, and memorabilia prior to showings. This will make it easier for buyers to imagine living there and make it less likely that buyers will ask inappropriate questions.

### 3 *What are the buyers like? The buyers look like they are . . .*

#### RECOMMENDED RESPONSES

- *"I know that they're preapproved."*
- *"I know that they are cash buyers."*

**TIP** Advise sellers to turn off audio and video during showings so that they are not tempted to speculate about the race, ethnic background or other protected status of the buyers or other real estate licensees.





## 4 *Is this neighborhood safe?*

### RECOMMENDED RESPONSES

- *"Check with the local and state police."*
- *"Check Next Door or local neighborhood associations."*
- *"Drive around the area at night to see if you feel comfortable."*

**TIP** Refer buyers and tenants to objective sources.

## 5 *What kind of people live in this neighborhood?*

### RECOMMENDED RESPONSES

- *"I can't answer that without violating federal and state Fair Housing laws but you could spend some time in the neighborhood to see if you feel it's the right fit for you."*
- *"You could check with the local police for information about crime, safety, and convicted sex offenders."*

**TIP** Advise buyers and tenants to check objective sources like the U.S. Census for information.

## 6 *Is this a family neighborhood?*

### RECOMMENDED RESPONSES

- *"What kind of resources are you looking for?"*
- *"I can't help you with that but there is a school/playground/park on \_\_\_\_\_ street."*

**TIP** Recommend that buyers and sellers check objective sources.

## 7 *I won't take Section 8.*

### RECOMMENDED RESPONSES

- *"Fair housing laws changed to prohibit discrimination based on a tenant's source of legal income, so we'll need to show and offer this property to all qualified tenants."*
- *"Section 8 and other voucher programs offer guaranteed rent each month."*

**TIP** Review and share the Fair Housing Practices Act - Rhode Island's Source of Income Protections fact sheet. [www.richr.ri.gov](http://www.richr.ri.gov) under "News."

**8** *I'm looking for a diverse neighborhood.*

**RECOMMENDED RESPONSES**

- *"What do you mean by diverse?"*
- *"This neighborhood has a wide range of restaurants and activities."*
- *"Neighborhoods evolve over time, regardless of who lives here today."*

**TIP** Do not answer questions about the race, religion, national origin, sexual orientation, etc. of people living in the property, neighborhood, or community. Refer the client to voter registration records on the Rhode Island Secretary of State's web site: [vote.sos.ri.gov](http://vote.sos.ri.gov) to gauge political views of the neighborhood.

**9** *I use a wheelchair. Is this listing accessible?*

**RECOMMENDED RESPONSES**

- *"The property is not currently wheelchair accessible, but I could give you a narrated video tour. What else would be helpful?"*

**TIP** Do not steer a client with a disability to a ground floor unit unless requested.



We hope that this RI REALTORS® resource will help prepare you in case a client, customer, another real estate licensee or tester asks you for information that can lead to a violation of fair housing laws.

Be sure to show consumers the fair housing wording from MLS Listing Agreements or the Exclusive Buyer Representation Agreement; and review National Association of REALTORS® resources, like What Everyone Should Know About Equal Opportunity on [www.nar.realtor](http://www.nar.realtor) to help your brokerage develop procedures and scripts to use with a client or customer.

For more information, please contact the RI REALTORS® Legal Department at 401-432-6945 or email [monica@rirealtors.org](mailto:monica@rirealtors.org).