

focus on: Legal Affairs



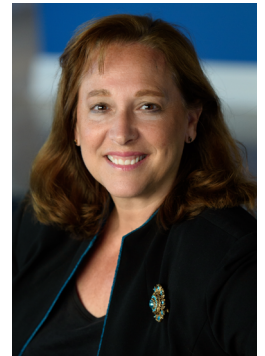
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Fair Housing: What You Need to Know

We tend to limit our talk about fair housing to April (National Fair Housing Month). But since IAR attorneys are noticing an uptick in related calls to the Legal Hotline and housing discrimination lawsuits filed, we thought a quick review was in order.

Besides, 2018 marks the **50th anniversary of the Fair Housing Act** and **June is National Homeownership Month**, so the timing seemed especially right to jump in your inbox!

As fierce advocates for home ownership and private property rights, REALTORS® are first to celebrate this important and historic piece of federal legislation that seeks to end housing discrimination. To make it continue to work, we must be knowledgeable and compliant ourselves. We'll also talk about how state law and the REALTOR® Code of Ethics factor in.



Title VIII of the Civil Rights Act of 1968

First things first. The Fair Housing Act is Title VIII of the Civil Rights Act of 1968. The Federal Fair Housing Act was signed into law on April 11, 1968, one week after the assassination of Martin Luther King. The timing of these 2 events is not a coincidence. As amended, it **prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, national origin, sex, disability, or familial status.**

This includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

Indiana State Law

Discrimination is prohibited in Indiana when selling or renting homes. [IC 22-9.5-5-1](#). In regard to residential real estate advertising, Indiana has a rule describing certain words and phrases that convey discriminatory preferences which may violate fair housing laws. [910 IAC 2-8-4](#).

REALTOR® Code of Ethics

The [REALTOR® Code of Ethics](#) holds members of the National Association of REALTORS® to a higher standard than federal or state law. The Code adds sexual orientation and gender identity as protected classes.

Through Article 10, the Code of Ethics says **REALTORS® can't deny equal professional services to or enter any agreement to discriminate against protected classes.** It also says that REALTORS® can't discriminate in their employment practices.

Again, the protected classes for REALTORS® are: race, color, religion, national origin, sex, disability, familial status, sexual orientation, and gender identity.

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Lawsuits/Fair Housing of Central Indiana

Let's now turn to current events. It seems we are seeing more housing discrimination lawsuits filed. [On Feb. 1, 2018, a lawsuit was filed in federal court in Illinois involving Fair Housing of Central Indiana as a plaintiff.](#)

The lawsuit alleges unequal treatment in white and nonwhite communities involving two key issues: maintenance and marketing of REO (real estate owned) properties. Plaintiffs say the banks and property management companies failed to maintain and market foreclosed properties in minority neighborhoods. Concerns include broken locks, unkempt yards, mail pileup, lack of for sale signs, and warning signs on a property.

What results from these alleged violations, which are occurring nationwide, not just in Indiana? Our biggest worry is, it will lead to health and safety concerns and falling property values. IAR attorneys will keep members updated on this case as it progresses.

Fair Housing Makes US Stronger

You've likely seen NAR's campaign, Fair Housing Makes US Stronger, which includes a ton of education and usable items on this super important piece of federal legislation. If not, [check it out](#).

If you have any questions regarding the professional standards activity or Code of Ethics, please contact the IAR Legal Hotline at 1-800-444-5472, or complete this [online form](#). As a reminder, the IAR Legal Hotline is available to Managing Broker members and their designated agents, Monday – Friday, 9 am – 5 pm. Managing Brokers, need to designate an agent to use the Legal Hotline? Do it [online here](#).