

# focus on: Legal Affairs

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## WHAT'S "HOT" ON THE LEGAL HOTLINE?



**Since April is Fair Housing Month**, and the Legal Hotline has noticed an increase in questions regarding Fair Housing issues, we thought it might be a good time to brush-up on some basic Fair Housing facts. As always, thank you for your questions and continued support and please remember that principal and managing brokers or their written designates may reach us through the IAR Legal Hotline at 1-800-444-5472, or by fax at (317) 842-8494, between 9 a.m. and 5 p.m., Monday through Friday. You may also e-mail your questions to [legalhotline@indianarealtors.com](mailto:legalhotline@indianarealtors.com).

You will receive a phone call in response to your faxes and e-mails.

**Q** What are the protected classes of people under the Fair Housing laws?

**A** The Fair housing laws, as well as the REALTOR® Code of Ethics, identify the following seven classifications of those which are protected: race, sex, color, religion, handicap, national origin, and familial status.

**Q** Although I, as a REALTOR®, would never treat any of the protected classes of people differently, I have a seller who has refused to allow showings to certain protected people. Since it is the seller and not me personally, isn't it true that I am not in violation by abiding by my client's wishes?

**A** No. If you find yourself in the situation described, you should talk to the client and explain fair housing laws. Ask that person to act in a nondiscriminatory manner. If they refuse to do so, you should sever your agency relationship with that person.

**Q** I want to send advertising material to members of my church that says I am a Christian REALTOR®. Is there anything wrong with that?

**A** Yes. The Fair Housing Act prohibits targeting advertisements to one particular segment of the community and conveying preference to one group over another or exclusion due to race, color, religion, sex, handicap, familial status (children under 18) or national origin.



**1.800.444.5472**

**Q** Are there certain words which REALTORS® should avoid when advertising a home for sale or lease?

**A** Yes. The following are examples of words or phrases which should not be used: white, black, colored, Asian, Protestant, Catholic, Christian, Jew, Mexican, African, male only, female only, deaf, exclusive, mature persons, restricted community, adult building, singles. Note that this is not a complete list but rather some suggestions.

**Q** What words CAN be used in advertising in order to avoid any fair housing issues?

**A** In general, with regard to fair advertising, descriptions of property usually physical in nature, which are not preferential or limiting (i.e. two bedrooms, cozy, family room, quiet streets, etc.) are not discriminatory on their face and do not violate fair housing advertising rules. In other words, we suggest you always describe the property and never the "appropriate" persons. You may also indicate that the property is accessible to handicapped individuals or intended for and operated as housing for older persons.

**Q** How can I avoid questions about whether I am treating everyone fairly in managing rental properties?

**A** You should establish procedures and criteria for selecting tenants which are applied in all situations. For example, you may include: rent-to-income ratio; credit record; rent payment pattern; and household size.

**Q** Where can I go for additional information about fair housing rules and procedures?

**A** There are a number of sources for fair housing information. The Indiana Association of REALTORS® website has fair housing information (as well as helpful information on a variety of real estate issues). [www.indianarealtors.com](http://www.indianarealtors.com). Other helpful websites are: [www.hud.gov](http://www.hud.gov); [www.realtor.org](http://www.realtor.org); and [www.fairhousing.com](http://www.fairhousing.com). You may also contact your local HUD or Fair Housing and Equal Opportunity field office. □

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