

Fair Housing Laws

1. **EQUAL ACCESS TO HOUSING FOR ALL:** All housing in California is available to all persons. Discrimination (the practice of treating someone unequally) is prohibited by law.
2. **LAWS:** Multiple federal and state laws, along with applicable local ordinances, make up “fair housing laws.” Primarily, these laws are the: Federal Fair Housing Act (FHA); California Fair Employment and Housing Act (FEHA); and California Unruh Civil Rights Act (Unruh).
3. **WHO/WHAT ENTITY IS REQUIRED TO COMPLY:** Providers of housing accommodations – sellers, landlords, sublessors, property managers, real estate licensees, real estate firms, HOAs - or financial assistance services- lenders, insurance companies – are all subject to fair housing laws.
4. **PURPOSE:** Prohibit discrimination in the sale, rental, or financing of residential housing against any person based on that person’s belonging to, association with, possessing, or perceived membership in protected classes or characteristics.
5. **PROTECTED CLASSES/CHARACTERISTICS:** The following list identifies protected classes and characteristics:
 - Race
 - Color
 - Ancestry
 - National Origin
 - Religion
 - Sex
 - Sexual Orientation
 - Gender
 - Gender Identity
 - Gender Expression
 - Marital Status
 - Age
 - Primary Language
 - Immigration Status
 - Medical Condition
 - Citizenship
 - Familial Status (family with child under 18)
 - Disability (Mental & Physical)
 - Members of military or Veterans
 - Source of Income (Section 8 Voucher)
 - Criminal History
 - Any arbitrary characteristic
6. **BEST PRACTICES to AVOID Violating Fair Housing Laws:**
 - A. Selection of location/neighborhood, property features, price range and other considerations should come from the buyer/tenant.
 - B. Real estate licensees should provide complete and objective information to all clients based on the client’s selection criteria and not selectively provide information to clients based on protected class or characteristics.
 - C. Real estate licensees should provide the same professional courtesy in responding to all inquiries, sharing of information, and offers of assistance to all clients and prospects.
 - D. Housing providers should not make any statement or advertisement that directly or indirectly implies preference, limitation, or discrimination regarding any protected class or characteristic.
 - E. Housing providers should use a selection process relying on objective information about a prospective buyer’s offer or tenant’s application and not seek any information that may disclose any protected classes or characteristics. This will ensure the same qualification criteria and procedure will be used and equal terms and privileges will be made available.
 - F. Reasonable accommodation requests or reasonable modification requests should be handled in a prompt manner with an interactive process if immediate approval is not available.
 - G. Be aware of possible unconscious bias and act consciously to treat all equally.
7. **PENALTIES**
 - A. Violations of various fair housing laws may result in monetary civil fines, injunctive relief, compensatory and/or punitive damages, and attorney fees and costs.
 - B. A violation of DRE regulations or real estate laws prohibiting housing discrimination by a real estate licensee may result in the loss or suspension of the licensee’s real estate license.
 - C. **REALTOR® ORGANIZATIONS PROHIBIT DISCRIMINATION:** NAR Code of Ethics Article 10 prohibits discrimination in employment practices or in rendering real estate license services against any person because of race, color, religion, sex handicap, familial status, national origin, sexual orientation, or gender identity by REALTORS®.