

PROPOSED AGENDA

I. Introduction

- A. Why is a course on fair housing required?

II. Testing Your Knowledge of the Fair Housing Laws

III. The Fair Housing Laws

Civil Rights Act of 1866
Federal Fair Housing Laws - 42 U.S.C. § 3604
Federal Fair Housing Amendments Act
State Fair Housing Law - C.G.S. § 46a-64c
Rehabilitation Act of 1973 (§ 504)

- A. Is the person covered?
- B. Is the property covered?

Break (15 minutes)

- C. Is the behavior covered?
- D. Enforcing the fair housing laws
 - 1. Who must follow the law
 - 2. Vicarious liability
 - 3. Investigation and enforcement

IV. New Developments in Fair Housing

- A. Gender identity and expression
- B. Maintenance and marketing of REOs
- C. Habitational insurance
- D. Legislative updates

IV. Case Examples, Answers to Fair Housing Quiz

FAIR HOUSING QUIZ

- The state and federal fair housing laws prohibit discrimination on the basis of:

<input type="checkbox"/>	Race	<input type="checkbox"/>	Age
<input type="checkbox"/>	Color	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Familial Status
<input type="checkbox"/>	Lawful Source of Income	<input type="checkbox"/>	Gender identity or expression
<input type="checkbox"/>	Religion	<input type="checkbox"/>	Disability
<input type="checkbox"/>	National Origin	<input type="checkbox"/>	Sex
- If a buyer wants to know if there are any group homes for people with disabilities in the neighborhood, what information is a real estate agent allowed to give the buyer?
- How much information about a tenant's disability is a landlord allowed to request?
- Is it permissible to deny a family of four (mother, father, boy, and girl) a home because there are two bedrooms? Please explain the reasoning behind your answer.
- Give 5 examples of reasonable *accommodations* which a real estate agent must make to a person's disability.
- Which owners must make reasonable modifications to a housing unit? Give five examples of reasonable modifications.

7. Can you be held liable for the discriminatory actions of a seller or owner you represent? If yes, what actions of yours could result in you being held liable for discrimination?

8. Under what circumstances is it permissible to refuse to sell to someone who is African-American or Latino?

TRUE OR FALSE

1. ____ Sending a prospective buyer listings of every house on the market in the town where the buyer wants to live prevents the real estate agent from being accused of steering.
2. ____ A homeowners' association can refuse a request for a reasonable accommodation if it is not in writing.
3. ____ If a real estate agent "follows orders" he or she cannot be sued for housing discrimination.
4. ____ It is legal to tell a prospective buyer that the schools in the town where the buyer wants to live are bad.
5. ____ A real estate listing that states "across the street from Temple Beth El" violates the fair housing laws.
6. ____ A housing provider may refuse to rent to a person because he or she has a bad credit history.
7. ____ Asking if someone who is elderly is able to live independently is illegal under the fair housing laws even if the person is using a walker to get around.
8. ____ If the real estate agents working for an agency only speak English, they can refuse to represent people who do not speak English.
9. ____ The owner of a two-family duplex who lives in the duplex can require a real estate agent to refuse to rent to families with children.

ILLEGAL HOUSING DISCRIMINATION -- A SUMMARY

Protected Classes	Federal or CT. Law	Property not covered ¹	Remedy
Race	Federal: 42 U.S.C. §1982 (Civil Rights Act of 1866)	None	Federal court
	State: Con.Gen.Stat. 46a-58a	None	State court or CHRO ²
Race, Color, National Origin, Ancestry, Sex, Religion	Federal: 42 U.S.C. §3604	Federal: Owner occupied bldgs. with 4 units or less	Federal court or HUD ³
	State: Con.Gen.Stat. 46a-64c	State: Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Familial Status or the presence of children	Federal: 42 U.S.C. §3604	Federal: Owner occupied bldgs. with 4 units or less; elderly housing	Federal court or HUD
	State: Con.Gen.Stat. 46a-64c	State: owner occupied 4 units or less; elderly housing	State court or CHRO
Disability	42 U.S.C. §3604	Federal: Owner occupied bldgs with 4 units or less	Federal Court or HUD
	29 U.S.C. §794	Federal: All housing <u>not</u> receiving federal money	Federal court
	State: Con.Gen.Stat. 46a-64c	State: Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Marital Status (except an unmarried unrelated man and woman)	State: Con.Gen.Stat. 46a-64c	State: same as above	State court or CHRO
Sexual Orientation	State: Con.Gen.Stat. 46a-81e	State: Owner occupied bldgs. with 4 units or less	State court or CHRO
Age (except minors)	State: Con.Gen.Stat. 46a-64c	State: Owner occupied bldgs. with 2 units or less; owner occupied rooming house; elderly housing	State court or CHRO
Lawful source of income	State: Con.Gen.Stat. 46a-64c	State: Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Gender identity or expression	State: Con.Gen.Stat. 46a-64c	State: Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO

- It is illegal to refuse to rent or sell property, to discriminate in the terms or conditions of a rental or sale (for example, to charge different amounts), to steer, to discriminate in mortgage lending or other related practices, or to otherwise make housing unavailable because someone is a member of a protected class.
- It is illegal to have a rule that has a disparate impact on people in the protected classes.
- All persons involved in any real estate transaction must make reasonable accommodations for persons with mental or physical handicaps.
- It is illegal, with some exceptions, to advertise in a discriminatory manner.

¹The exemptions from the law are complicated, and properties which are listed as exempt under fair housing laws may be covered by other civil rights laws.

² Connecticut Commission on Human Rights and Opportunities

³ Department of Housing and Urban Development

CASE EXAMPLES

1. A real estate agent has been contacted by an African-American couple who are moving to Connecticut from Illinois. They have three children who are in high school and middle school. They are moving to Connecticut because the wife has gotten a job at Yale-New Haven Hospital. The husband will be working from home. They told the real estate agent they do not know anything about Connecticut and so do not know where they want to live. They want to be sure that the middle schools and the high schools are high performing and that the wife's commute is less than 30 minutes by car from New Haven. They would like a 3-bedroom with a master suite but would be interested in looking at larger houses if they fit within their price range. They have been preapproved for a mortgage of \$500,000. They will be in Connecticut for a long weekend next month and would like to look at houses with the intent of making an offer before they leave. The real estate agent sent the couple more than 100 listings of homes. The couple has asked the real estate agent to narrow the listings down to those in which the home is no more than \$500,000, are at least 3 bedrooms with at least 2 full baths, and are in school districts that are high performing. When the real estate agent says the fair housing laws prevent her from doing this, the couple says they will take their business elsewhere. Has the real estate agent handled this correctly? Could the real estate agent have narrowed down the listings in the way the couple requested without violating the fair housing laws?
2. A couple living in North Dakota wants to buy a condominium in a complex in Connecticut. The condominium association asks that all prospective buyers come to a meeting of the Board of Directors. The in-person meetings generally last about 10 minutes and focus on where the buyer is moving from, when they plan to move in, whether the unit will be their primary residence, and whether they have received a copy of the condominiums rules and regulations. The couple from North Dakota has asked that they be permitted to participate in the meeting through Skype because the wife is disabled and has difficulty traveling. The Board turns down this request and because the couple did not come to the meeting they have been refused permission to buy the condominium. Did the Board violate the fair housing laws? If the couple files a fair housing complaint, how could the Board justify their actions?
3. A housing complex has mixed-income housing meaning that some units have market rate rents and others are below market rate rents. Two African-Americans have accused the real estate agent showing the units of discrimination saying they were only offered below market rate units and were not shown model units. The agent says that it is the owner's policy to show model units only to tenants who will be paying the market rate. In addition, the agent says she thought the African-Americans would not be able to afford the market rate units and that she wanted them to know they would be able to live in the complex anyway. Has the agent or the owner violated the fair housing laws?
4. Mary Smith has asked a real estate agent to show her two-bedroom homes or condominiums. She states she is going through the preapproval process with a bank and expects to qualify for a \$350,000 mortgage. After looking at several units, Mary decides to make an offer on a single-family home. Mary's offer is accepted pending mortgage approval. Mary later tells her real estate agent that the mortgage approval has been delayed because Mary is transgender and her credit history is in her original name, Steven Smith. She is in the process of addressing this with the help of a lawyer but the process may take 3 – 4 weeks to resolve. Mary's agent calls the sellers' agent and explains that Mary would like to extend the time to get a mortgage to 4 weeks. When the sellers' agent asks why, Mary's agent explains that the client used to be a man and that is making it difficult to get a mortgage. The sellers said no to the extension and Mary lost the house. Did Mary's agent do anything wrong? Did the sellers violate the fair housing laws?