

## What Fair Housing Laws Mean

In the United States, fair housing laws play a pivotal role in ensuring that everyone has an equal opportunity to buy, sell or rent a home without facing discrimination.

Fair housing laws are federal, state and local regulations designed to promote equal access to housing opportunities for all individuals. Enacted as a response to historical discrimination in housing, these laws aim to foster inclusive communities and prevent discriminatory practices in the real estate market.

Fair housing laws prohibit discrimination based on specific characteristics, known as protected classes. These include race, color, religion, sex, national origin, familial status (presence of children under 18 in the household) and disability. It is illegal to discriminate against individuals based on these factors in the sale, rental or financing of housing.

The Fair Housing Act of 1968 is a cornerstone of fair housing laws in the United States. Over the years, amendments and additional legislation, such as the Americans with Disabilities



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Act (ADA) and the Housing and Community Development Act, have expanded the scope of protection to include disability and familial status.

### IMPLICATIONS FOR HOME BUYERS

Home buyers have the right to access all available property listings without facing discrimination based on protected characteristics. Real estate professionals must treat all potential buyers equally and provide them with the same level of

service and information.

Fair housing laws extend to mortgage lending, ensuring that lenders evaluate loan applications based on financial qualifications rather than discriminatory criteria. Lenders must not discriminate based on protected classes.

Individuals with disabilities are entitled to reasonable accommodations to ensure equal access to housing. This may include modifications to existing structures or policies to accommodate the needs of

individuals with disabilities.

The Michigan Department of Civil Rights identifies certain statements as a warning that a buyer may be being discriminated against. They include such statements as, “The owner just took the home off the market,” “I’ll have to pre-qualify you before I show you some homes,” “Do you think you can afford to live in this neighborhood” and “Let me show you some homes in an area where I think you would be more comfortable.”

### IMPLICATIONS FOR HOME SELLERS

Home sellers, as well as real estate agents, must refrain from discriminatory advertising practices. Property listings and marketing materials should avoid language or images that suggest a preference for or against individuals in protected classes.

Sellers are obligated to treat all potential buyers equally and provide the same level of information and access to the property. Refusing to sell to a buyer based on their membership in a protected class is a violation of fair housing laws.

Sellers must disclose any known property defects or issues, ensuring that buyers have complete and accurate information about the home. Additionally, reasonable accommodations must be made to ensure the property is accessible to individuals with disabilities during the selling process.

Fair housing laws are essential pillars of the real estate industry, promoting equality and preventing discrimination in housing transactions. By adhering to the principles of fair housing, individuals contribute to the creation of diverse, inclusive communities where everyone has an equal opportunity to achieve the dream of homeownership.



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#### REAL ESTATE 101



#### HOMEWISSE GLOSSARY

#### Overcoming Language Barriers

According to the U.S. Department of Housing and Urban Development, federal laws protect the rights of people who have limited English proficiency. They require some housing providers to provide language assistance. They provide some funding to help translate marketing materials.

**General warranty deed:** a deed which conveys not only all the grantor’s interests in and title to the property to the grantee, but also warrants that if the title is defective or has a “cloud” on it (such as mortgage claims, tax liens, title claims, judgments, or mechanic’s liens against it) the grantee may hold the grantor liable. **SOURCE:** Illinois Real Estate Lawyers Association

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