

REQUIRED 6 CLOCKHOURS

JUNE 2022-JUNE 2023

# WASHINGTON

## REAL ESTATE FAIR HOUSING



**THIS 6 CLOCKHOUR CLASS WILL COVER FEDERAL, STATE AND  
LOCAL FAIR HOUSING AND DISCRIMINATION LAWS AS THEY  
RELATE TO REAL ESTATE.**

WRITTEN BY CLOCKHOURS BY ANGIE

A Washington State Approved Real Estate School for Clock Hour Education under R.C.W.18.85.

# CORRESPONDENCE CLOCKHOURS

## INSTRUCTIONS:

1. Print out the class.
2. Read the class material.
3. At the end of the material there is a quiz (all the answers are in the material that you have read).
4. Answer the questions.
5. Return to me the Quiz, evaluation and a check for the class payable to **CLOCKHOURS BY ANGIE**, or complete your credit/debit card information on the sheet provided
6. Upon receipt, I will email you a certificate.

Disclaimer: I try very hard to have the latest known information on a subject in these classes, but, the real estate industry is forever changing with new updates all the time. The class materials are not to be used for legal advice. In our State, some items are handled different in the different regions. If you have any concerns, please do not hesitate to contact me at 509-216-3220 or at [clockhoursbyangie@gmail.com](mailto:clockhoursbyangie@gmail.com)

## OR LIVE CLOCK HOUR CLASS

1. Register for the class on the flyer I sent out
2. On day of class sign in
3. At End of class turn in evaluation
4. I will give you a certificate when we end the class, or email to you.

## **COURSE OBJECTIVE:**

- Understand the basic history of Fair Housing
- Be able to identify the protected classes Federally
- Be able to identify the protected classes added to Federal to Washington State
- Be able to identify the protected classes added to Federal and Washington State, to your area
- Have a good understanding of Prohibited Acts of Discrimination for Real Estate Brokers
- Learn the consequences of violating the law
- Know where to file complaints

**Remember.....this is not a  
debate! Why are you here?**

# **Washington Real Estate Fair Housing Curriculum (6 -hour) course guideline:**

The purpose of this course is to introduce real estate brokers and managing brokers to the Federal Fair Housing Act (42U.S.C. 3601et seg) and the Washington Law Against Discrimination (chapter 49.60 RCW) as it relates to real estate transactions.

The course will teach real estate brokers and managing brokers the historical and societal context of housing discrimination, legal framework intended to prevent housing discrimination, and steps to take to prevent housing discrimination.

The Department of Licensing (DOL) is responsible for developing real estate curricula. Schools and instructors apply and build their own detailed curriculum for teaching real estate courses. Their application will provide the details based on the curriculum outline from the DOL. Course approval will follow the process outlined in Chapter 308-124H WAC.

Course providers may choose to employ hourly breakdown that meets the required hours for fair housing. DOL recommends the following hourly breakdown:

- Topic Area I: Historical and Societal Context (1 hour 30 minutes)
- Topic Area II: Legal Framework (2 hours)
- Topic Area III: Role of the Broker and Managing Broker (2 hours 30 minutes)

# **DISCLOSURE FROM CLOCKHOURS BY ANGIE,**

## **Angie DeArth instructor:**

As you can see, DOL gives the school an outline of what the class should include. They also site many court cases that we will have for discussion in this class.

If you feel I have offended you, know that it was not my intent. I was just citing certain cases and of course my opinion (and background) is not the same as yours, so we may differ in some cases.

You may contact me by phone or email to discuss if you'd like to.

Thank you,

Angie DeArth

509-216-3220

[clockhoursbyangie@gmail.com](mailto:clockhoursbyangie@gmail.com)

# CURRICULUM

Session/Hours	Topics	Method of instruction
1.5 hours	History of Fair Housing Types of Racism Direct/indirect DeJure/ DeFacto	Lecture and discussion for live or zoom Correspondence online will include quiz
2 hours	Protected classes Federal and State	Lecture and discussion for live or zoom Correspondence online will include quiz
2.5 hours	Gender Pro-nouns Language barriers Love letters Staging Blockbusting Redlining Financial Assistance programs Complaints Racially slurred covenants History thru the years	Lecture and discussion for live or zoom  Correspondence online will include quiz

# TOPIC AREA I:

## Historical and Societal Context

The beginning of housing discrimination in America can be traced to the first colonial settlements. Over the years, the laws have changed to give people the ability to own and sell property regardless of their background.



The Civil Rights Act of 1866 was the first United States federal law to define citizenship and affirm that all citizens are equally protected by the law. It declared that all persons born in the United States to be citizens, “without distinction of race or color, or previous conditions of slavery or involuntary servitude.” also said that any citizen has the same right that of a white citizen to make and enforce contracts, sue and be sued, inherit, purchase, lease, sell, hold and convey real and personal property.

It is important to note that discrimination in housing over a century ago was certainly not limited to African Americans.

Other minorities, immigrants and religious groups were commonly discriminated against, as were women.

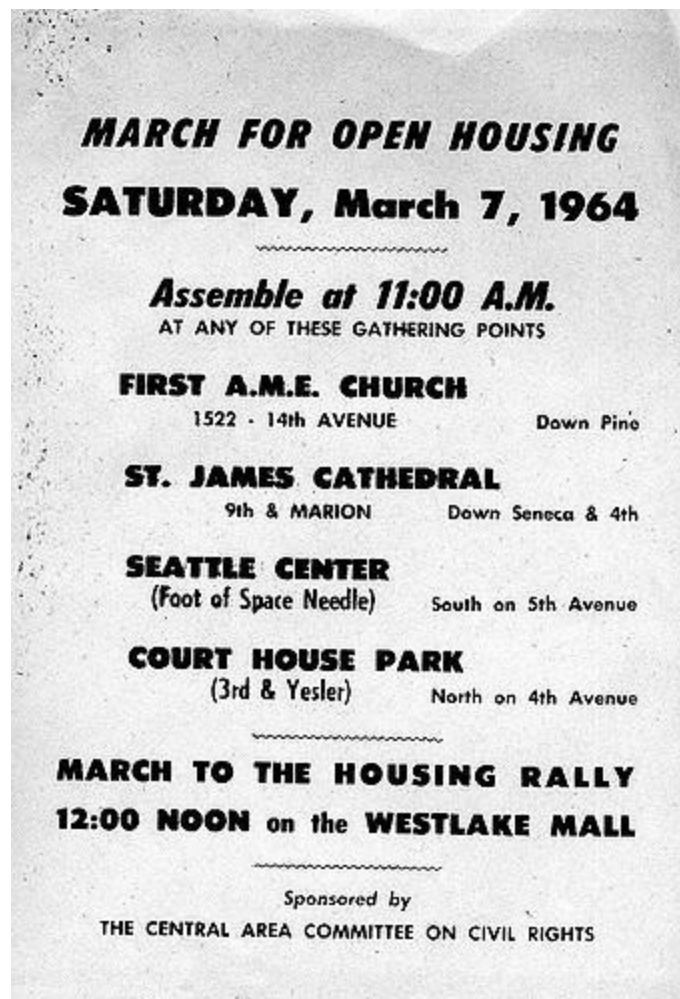
In November 1962, President Kennedy signed an executive order, entitled “Equal Opportunity in Housing” prohibiting discrimination in housing that is owned, operated, or assisted by the federal government. The order required federal agencies to take action to prevent discrimination based upon race, color, creed, or national origin.

Two years later, Congress enacted Title VI to the Civil Rights Act of 1964, which prohibited discrimination in programs receiving federal financial assistance. Once again, this Act had little effect since it did not prohibit discrimination in the private housing market.

On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968, which meant as a follow-up to the Civil Rights Act of 1964. The 1968 Act expanded on previous acts and prohibited discrimination concerning the sale, rental and financing of housing based on race, religion, national origin, sex (and as amended) handicap and family status. Title VIII of the act is also known as the Fair Housing Act (of 1968)

The enactment of the Federal Fair Housing Act on April 11, 1968 came only after a long and difficult journey. From 1966 – 1967, Congress regularly considered the fair housing bill, but failed to garner a strong enough majority for its passage. However, when the Rev. Dr. Martin Luther King Jr. was assassinated on April 4, 1968, President Lyndon Johnson utilized this national tragedy to urge for the bill's speedy Congressional approval. Since the 1966 open housing marches in Chicago, Dr. King's name had been closely associated with the fair housing legislation. President Johnson viewed the Act as fitting memorial to the man's life work, and wished to have the Act passed prior to Dr. King's funeral in Atlanta.

Another issue during this time period was the growing casualty list from Vietnam. The deaths in Vietnam fell heaviest upon young, poor African-American and Hispanic infantrymen. These men's families could not purchase or rent homes in certain residential developments on account of their race or national origin. Specialized organizations like the National Association for Advancement of Colored People (NAACP,) the National Association of Real Estate Brokers (NAREB), the GI Forum and the National Committee Against Discrimination in Housing lobbied hard for the Senate to pass the Fair Housing Act remedy this inequity. Senators Edward Brooke and Edward Kennedy of Massachusetts argued deeply for the passage of this legislation. In particular, Senator Brooke, the first African-American ever to be elected to the Senate by popular vote, spoke personally of his return from World War II and inability to provide a home of his choice for his new family because of his race.





The year 1968 is considered the birth of modern fair housing.

- Where were you at that time?
- Were you born yet?
- Did you read about this time in your history books?
- Were you in grade school barely understanding the chaos on the television?
- Did you attend any protests for racial equality or anti-war?
- Did you personally experience discrimination?

Probably 1/3<sup>rd</sup> of the brokers taking this class were young adults in 1968. They look at discrimination differently than their parents. They might have been part of the protests. They might have felt they could make a difference.

**DID YOU EXPERIENCE ANY DISCRIMINATION?**

**WHAT NOTABLE EVENTS WERE HAPPENING IN US HISTORY IN 1968?**

## TYPES OF RACISM

It is critical to acknowledge that racism is present across many levels. Oftentimes, when we discuss or acknowledge racism, we do so at an interpersonal level. Only seeing this level means that we fail to see the full picture that keeps the system of racism in place. Racism exists in several levels.



### STRUCTURAL RACISM:

A system in which public policies, institutional practices, cultural representations and other norms work in various, often reinforcing, way to perpetuate racial group inequality. It is racial bias among institutions and across society. It involves the cumulative and compounding effects of societal factors including the history, culture, ideology and interactions of institutions and policies that systematically privilege white people and disadvantage people of color.

### INSTITUTIONAL RACISM:

Discriminatory treatment, unfair policies and practices, and inequitable opportunities and impacts within organization and institutions, all based on race, that routinely produce racially inequitable outcomes for people of color and

Image from the [Seattle Municipal Archives](#)

advantages for white people. Individuals within institutions take on the power of the institution when they reinforce racial inequities.

### **INTERPERSONAL RACISM:**

The expression of racism between individuals. It occurs when individuals interact and their private beliefs affect their interactions.

### **INTERNALIZED RACISM:**

A set of privately held beliefs, prejudices and ideas about the superiority of whites and the inferiority of people of color. Among people of color, it manifests as internalized oppression. Among whites, it manifests as internalized racial superiority.

Remember, all of us have grown up in unique situations, lived in different parts of the county and because of this have individual experiences growing up. We all have discriminatory tendencies that can be either positive or negative. We all have some type of bias for or against others. It is how we were raised and how we understand based on that upbringing. Implicit bias that is absorbed from childhood or current news reports can impact the lives of people.

### **DIRECT DISCRIMINATION:**

This is perhaps one of the most noticeable types of discrimination. When direct discrimination occurs, a person is treating someone differently because of their association to a protected class. This could be because the employee is of a certain age, race, gender, has a particular sexual orientation and/or more.

Other employees who don't belong to this protected class don't receive this negative treatment, while employees who share these characteristics alone are targeted.

Direct discrimination doesn't mean that the discrimination occurring is always obvious. Direct discrimination can still be subtle and difficult to prove. Discrimination at work, even when it's directed at a person or group, doesn't have to be blatant, such as using slurs. Even when an employee experienced direct discrimination, they can still question whether they're actually being discriminated against.

The thin line between direct vs. indirect discrimination can make it difficult to seek justice. That should not refrain anyone from fighting for their rights.

#### **QUESTION?**

**WHAT IS THE DIFFERENCE  
BETWEEN DIRECT AND INDIRECT  
DISCRIMINATION?**

Examples of direct discrimination:

Rejecting a qualified female job applicant due to their gender

- Refusing to provide disabled workers with appropriate facilities
- Mistreating employees based on their religious beliefs
- Denying promotions to employees from direct racial backgrounds
- Penalizing pregnant workers for taking medical leaves
- Sexually harassing workers

#### **INDIRECT DISCRIMINATION:**

While direct discrimination targets individual employees with certain characteristics, indirect discrimination occurs when employees are all treated the same, but certain employees are put at a disadvantage because of this. In any workplace, there are policies that all employees are expected to follow, but not all employees are exactly alike, so this can end up being harmful to some.

For example, there may be policies in place that require employees to wear their hair in a certain way or avoid certain hairstyles. While all employees are expected to follow this, it can negatively affect people of different races who have hair textures that don't allow for this.

Examples of indirect discrimination:

- The company must have a policy that applies equally to everyone
- The policy must help handicap people with a protected characteristic, as compared to those without it.
- The victim should be able to prove that the policy has affected them personally
- The company cannot show any good reason for applying the policy despite the harm it brings upon the group.

## DE JURE AND DE FACTO POLICIES AND PRACTICES AND THEIR IMPACTS ON COMMUNITIES:

De facto segregation is the separation of people that occurs “by fact,” rather than by legally imposed requirements. For example, in medieval England, people were customarily segregated by social class or status. Often driven by fear or hate, de facto religious segregation existed in Europe for centuries. In the United States today, the high concentration of Black people in certain neighborhoods sometimes results in public schools with mostly Black students, despite laws prohibiting intentional racial segregation of schools.

### Key Takeaways: De Facto Segregation

- De facto segregation is the separation of groups that happens because of fact, circumstances, or customs.
- De facto segregation differs from de jure segregation, which is imposed by law.
- Today, de facto segregation is most often seen in the areas of housing and public education.



### De Facto Segregation Definition

De facto segregation is the separation of groups that happens even though it is not required or sanctioned by law. Rather than an intentionally legislated effort to separate the groups, de facto segregation is the result of custom, circumstance, or personal choice. So-called urban “white flight” and neighborhood “gentrification” are two modern examples.

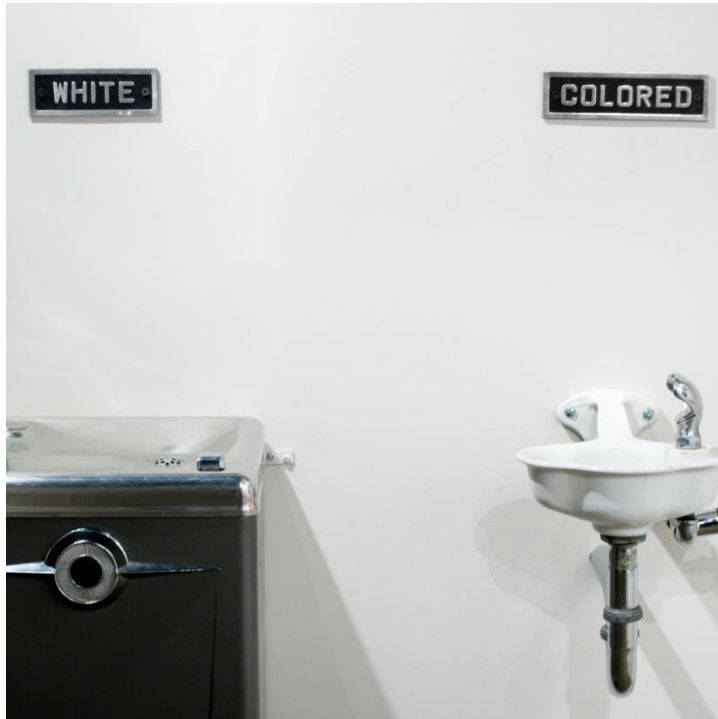
In the white flight de facto segregation of the 1960s and 1970s, millions of White people who chose not to live among Black people left urban areas for the suburbs. The satirical phrase “There goes the neighborhood” reflected the fear of White homeowners that the value of their property would fall as Black families moved in.

Today, as more minorities move to the suburbs themselves, many White people are either moving back into the cities or to new “\*exurbs” built beyond the existing suburbs. This reverse white flight often

results in another type of de facto segregation called gentrification. (*\*exurbs – a district outside a city, especially a prosperous area beyond the suburbs*).

Gentrification is the process of renovating urban neighborhoods by an influx of more affluent residents. In practice, as wealthier people flow back into once-low-income neighborhoods, longtime minority residents are forced out by higher rents and property taxes based on higher home values.

#### De Facto vs. De Jure Segregation



In contrast to de facto segregation, which happens as a matter of fact, de jure segregation is the separation of groups of people imposed by law. For example, the Jim Crow laws legally separated Black and White people in almost all aspects of life throughout the southern United States from the 1880s to 1964.

De jure segregation can breed de facto segregation. While the government can prohibit most forms of de jure segregation, it cannot change people's hearts and minds. If groups simply don't want to live together, they are free to choose not to do so. The aforementioned "white flight" segregation illustrates this. Even though the Civil Rights Act of

1968 banned most forms of racial discrimination in housing, white residents simply chose to move to the suburbs rather than live with Black residents.

#### De Facto Segregation in Schools and Other Current Examples

The U.S. Supreme Court's landmark ruling in the 1954 case of Brown vs. Board of Education, coupled with the enactment of the Civil Rights Act of 1964, effectively banned de jure segregation in education. However, de facto racial segregation continues to divide many of America's public-school systems today.

Since school district assignment depends partly on where students live, cases of de facto segregation can happen. Families usually prefer that their children attend schools near their homes. While this can have positive effects, such as convenience, and safety, it can also result in a lower quality of education in neighborhoods of color. With school budgets dependent on property taxes, lower-income, often predominately made up of people of color, tend to have inferior schools with inferior facilities. In

addition, more experienced teachers choose to teach in better-funded schools in more affluent white neighborhoods. While school districts are allowed to—and sometimes do—consider racial balance in their school assignment process, they are not required by law to do so.

Though federal laws and Supreme Court decisions protect against discrimination based on gender, de facto segregation based on biological sex is commonplace. De facto sex segregation is the voluntary separation of men and women occurring as a matter of personal choice according to generally-accepted social and cultural norms. De facto sex segregation is most commonly found in settings like private clubs, interest-based membership organizations, professional sports teams, religious organizations, and private recreational facilities.

# TOPIC AREA II

EDUCATIONAL OBJECTIVE: UNDERSTAND FEDERAL AND STATE LAWS, REVIEW PROTECTED CLASSES AND REVIEW COURT CASES.

## CLARIFICATION ON PROTECTED CLASSES

Fair housing is the right to choose housing free from unlawful discrimination. Fair housing laws protect people from discrimination.

The Federal Fair Housing Law lists the following protected classes:

- Race
- Color
- Religion
- National Origin
- Sex (including pregnancy, childbirth, and related medical conditions)
- Familial Status
- Handicap/disability

Under Washington State Anti-Discrimination laws:

- Race
- Color
- Religion
- National Origin
- Sex
- **Sexual Orientation/Gender identity**
- **Military status**
- Disability
- **Marital Status**
- Familial Status
- **NEWLY ADDED: OBESITY**

**\*bolded additional to Washington State**

## **FAIR HOUSING ACT (42 U.S.C. 3601) FEDERAL**

Enacted in 1968 to remove racial restrictions in the housing market, the Fair Housing Act, prohibits discriminations in housing based upon race, color, religion, sex, familial status and national origin.

- **RACE OR ETHNICITY**

Race and ethnicity are used to categorize certain sections of the population. In basic terms, race described traits, and ethnicity refers to cultural identification. Race may also be identified as something you inherit which ethnicity is something you learn.

Race and ethnicity are typically misunderstood as most people often don't fit into neat categories that are offered on forms with checkboxes. We don't necessarily have any tests or scientific basis to separate people out.



The dictionary by Merriam-Webster defines race as “a category of humankind that shares certain distinctive physical traits”.

Race is usually associated with biology and linked with physical characteristics, such as hair texture or skin cover and covers a relatively narrow range of options.

When completing paperwork that asks for race, you may be asked to identify yourself as belonging to one or more of the following categories:

1. White
2. Black or African American
3. Asian
4. American Indian or Alaska Native
5. Native Hawaiian or Pacific Islander

Sometime, you may be asked to select just one category. At other times, you may be asked to check all the categories that apply, or write in a category you relate to.

Ethnicity is a broader term than race. The term is used to categorize groups or people according to their cultural identification.

While someone may say their race is “Black”, their ethnicity might be Italian, or someone may say their race is “White”, and their ethnicity is Irish.



*You may wonder why you're asked about race and ethnicity when you complete medical forms or job applications. According to the U.S. Census Bureau website, they ask about race and ethnicity because they're collecting information about civil rights. The categories listed under "race" have evolved over the last 200 plus years. Some of the terms that were previously used have been considered offensive and removed from the paperwork.*

Examples of discrimination:

1. Steering a person towards a specific area of town because of their race.
2. Using marketing materials that target one race over another
3. Appraising a home based on the neighborhood's racial makeup or owners' race.

- **COLOR**

Color refers to the visible color of a person's skin. Color discrimination can involve someone of a different race or of the same race. Color discrimination may be closely related to race discrimination.

Currently, the U.S. Census Bureau uses the following guide to help people pick the category that best describes them:

1. **White:** The category "white" includes all individuals who identify with one or more nationalities or ethnic groups in Europe, the Middle East, or North Africa". Some examples of these groups include: German, Italian, Lebanese, Cajun, Chaldean, Slavic, Iranian, French, Polish, Egyptian, Irish and English.
2. **Black or African American:** The category "black or African American" includes all individuals who identify with one or more nationalities or ethnic groups originating in any of the Black racial groups of Africa. Example of people from these groups include: African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali. People who identify as Ghanaian, South African, Barbadian, Kenyan, Liberian, and Bahamian also fall under this category.
3. **American Indian or Alaska Native:** The category "American Indian or Alaska Native includes all who identify with any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment." Groups that fall under this category include: Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community.
4. **ASIAN:** The category "Asian" includes all individuals who identify with one or more nationalities or ethnic groups originating in the Far East, Southeast Asia or the Indian subcontinent. There are individual Asian checkboxes for people who identify as one or more of the following: Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, Other Asian (e.g., Pakistani, Cambodian, and Hmong
5. **NATIVE HAWAIIAN AND PACIFIC ISLANDER:** The Category "Native Hawaiian or Other Pacific Islander" includes all individuals who identify with one or more nationalities or ethnic groups originating in Hawaii, Guam, Samoa, or other Pacific Islands." There are individual

Pacific Islander checkboxes for people who identify as one or more of the following: Native Hawaiian, Samoan, Chamorro, Other Pacific Islander.

6. **SOME OTHER RACE:** If you do not identify with any of the above groups, you can simply choose the “Some Other Race” category and input how you identify yourself.



- **RELIGION OR CREED**

A housing provider cannot discriminate based on a “faith/belief system”. Finding the right home should not be made more difficult because of discrimination or harassment based on religion.

The Fair Housing Act prohibits housing providers from treating renters or homebuyers differently because of their religion or because they wear religious clothing or engage in religious practices and rituals. “Religion” includes both the practice and non-practice of religion such as atheism, as well as religions that are outside the mainstream.

Discrimination includes refusing to rent or sell, charging more, or offering different terms to someone because of his or her religion. Housing providers are prohibited from making discriminatory statements or publishing discriminatory advertising, as well as from making false statements about availability.

- **SEX INCLUDING GENDER IDENTITY AND SEXUAL ORIENTATION**

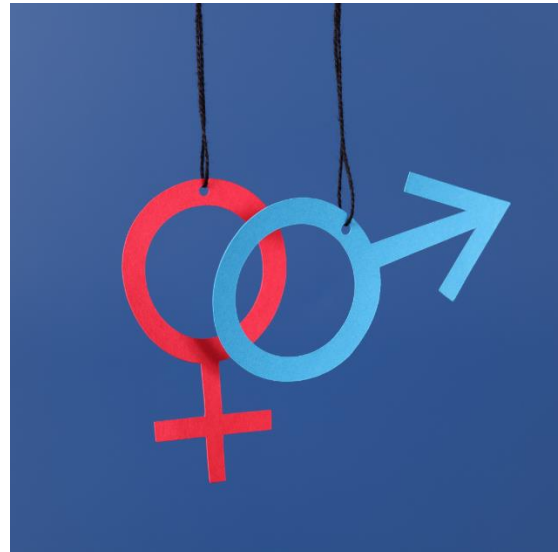
The sex (male or female) assigned to a child at birth, most often is based on the child’s external anatomy. Also referred to as birth sex, natal sex, biological sex, or sex. Gender identity or expression is what a person’s innermost concept of themselves as male, female, a blend or neither. Gender expression does not necessarily correspond to assigned sex at birth or gender identity. Sexual orientation is how a person characterizes their emotional and sexual attraction to others. Gender can be fluid and shift over time and does not have to include sexual attraction. Under the Fair Housing Act, housing providers cannot:

1. Denying entry to biological sex
2. Providing better services or treatment to one sex over another
3. Make disparaging comments about the appearance or practice of an individual based on their perceived gender or sexual orientation.
4. Prioritize applicants on a waiting list based on sex.

5. Setting different rents or fees for tenants based on sexual orientation.
6. Failing to renew a lease once a housing provider becomes aware of a tenant's sexual orientation.
7. Considering a tenant's gender expression before pursuing eviction.

### **2020 Order Adds Sexual Orientation and Gender Identity:**

**6/15/20**, The Supreme Court issued a decision in *Bostock v. Clayton City*, 140 S. Ct 1731 (2020) which held that Title VII's prohibition against sex discrimination includes sexual or orientation and gender identity. In this case, an employer allegedly fired Gerald Bostock for conduct, "unbecoming" a county employee shortly simply for being a homosexual or transgender.



1. Clayton County, Georgia, fired Gerald Bostock for conduct shortly after he began participating in a gay recreational softball league.
2. Altitude Express fired Donald Zarda days after he mentioned being gay.
3. R.G. and G. R. Harris Funeral Homes fired Aimee Stephens who presented as a male when she was hired, after she informed her employer she planned to live and work full time as a woman.

Each employee sued, alleging sex discrimination under Title VII of Civil Rights Act of 1964

Following that decision on January 20, 2021, President Biden issued an executive order preventing and combating discrimination on the basis of actual or perceived gender identity or sexual orientation.

- **NATIONAL ORIGIN**

Refers to your birthplace, ancestry, language and/or customs. It is illegal for a landlord to deny housing or treat someone differently in a housing transaction because of a person's name, appearance, accent or participation in customs associated with a nationality. Some examples of discrimination include:

1. Threatening to report a person to US Immigration Enforcement
2. Refusing to rent to a person when they do not speak English
3. Offering different rent rates based on their birthplace

- **FAMILIAL STATUS**

Familial Status refers to households containing one or more persons under the age of 18, including: Parents (biological or with legal custody) Designee of such parent with written permission. Pregnant persons. Persons in the process of securing legal custody of a person under 18 years old. It also covers a woman who is pregnant, and people in the process of adopting or gaining custody of child/children.



Family status discrimination also called familial status discrimination, means treating an employee or job candidate badly because they have or do not have children. Examples of familial status discrimination include refusing to promote someone because of their family responsibilities

When did familial status become a protected class? The Federal Fair Housing Act was created in 1968. However, families were not initially a protected class under this act. Familial status did not become a protected class under the Act until 1988, 20 years after the Act was first created.

- **DISABILITY OR HANDICAP**

Housing discrimination is especially common for adults with disabilities. In fact, over half of all housing discrimination complaints filed in 2020 were against people with disabilities. There are many ways in which people with disabilities experience housing discrimination.

Examples for people with disabilities:

1. The housing provider refuses to make or allow the individual to make reasonable modifications to the property, when the individual is willing to pay for such modifications. Reasonable modifications are defined as changes to the physical structure such as ramps, bathroom grab bars, and other necessary installations that enable a person with a disability to live at that residence.
2. The housing provider refuses to make reasonable accommodations regarding the property's rules, policies or procedures in order for the individual to live at the residence. Reasonable accommodations might include allowing a service animal, use of non-toxic cleaning products in common areas, and/or a special parking space for a resident with a mobility impairment.
3. The housing provider offers unfair terms and conditions for adults with disabilities. For example, charging a higher security deposit or rent for someone who has a disability than for someone who does not have a disability would be an instance of housing discrimination.
4. The housing provider refuses to rent or sell the residence to an individual because of their disabilities. Not only is this in direct violation of the Fair Housing Act, it's a violation of that person's rights.

- **THE AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act, also known as ADA, is nothing new. First implemented in 1990, it was the United States government's first step toward addressing the needs of citizens living with disabilities.

A person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such impairment, even if they do not currently have a disability. The ADA is divided into five titles (or sections) that relate to different areas of public life:

**TITLE I- EMPLOYMENT**

1. Helps people with disabilities access the same employment opportunities and benefits available without disabilities.
2. Applies to employers with 15 or more employees
3. Requires employers to provide reasonable accommodations to qualified applicants or employees. A "reasonable accommodation" is a change that accommodates employees with disabilities so they can do the job without causing the employer "undue hardship" (too much difficulty or expense).
4. Defines disability, establishes guidelines for the reasonable accommodation process, and addresses medical examinations and inquiries
5. Regulated and enforced by the U.S. Equal Employment Opportunity Commission.



**TITLE II- PUBLIC SERVICES: STATE AND LOCAL GOVERNMENT**

1. Prohibits discrimination on the basis of disability by "public entities" such as state and local government agencies.
2. Requires public entities to make their programs, services and activities accessible to individuals with disabilities.
3. Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying

architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.

### **TITLE III -PUBLIC ACCOMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES**

1. Prohibits places of public accommodations from discriminating against individuals with disabilities. Public accommodations include privately owned, leased operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers health clubs, sports stadiums movie theaters, and so on.
2. Sets the minimum standards for accessibility for alterations and new construction of commercial facilities and privately owned public accommodations. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense.
3. Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.
4. Requires that businesses take steps necessary to communicate effectively with customers with vision, hearing and speech disabilities.
5. Regulated and enforced by the U.S. Department of Justice.

### **TITLE IV – TELECOMMUNICATIONS**

1. Requires telephone and internet companies to provide a nationwide system of \* interstate and intrastate telecommunications relay services that allows individuals with hearing, or speech disabilities to communicate over the telephone.
2. Requires closed captioning of federal funded public services announcements
3. Regulated by the Federal Communications Commission.

*\*explanation – you are engaging in Interstate commerce by transporting goods across state lines. Interstate trucking means that your commercial motor vehicle only within a state's boundaries and that you do not fit any of the other descriptions of interstate commerce.*

### **TITLE V – MISCELLANEOUS PROVISIONS**

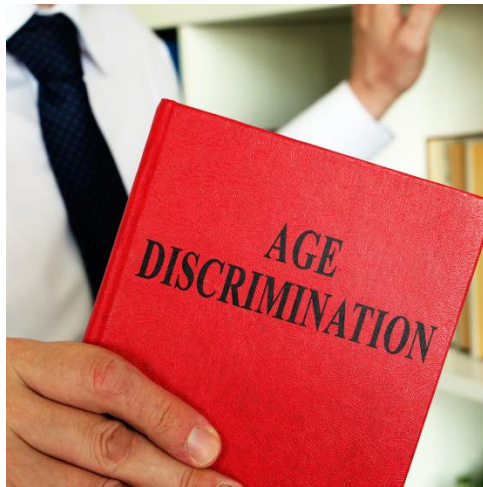
1. Contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs and attorney fees.
2. Provides a list of certain conditions that are not considered disabilities.

### **BUILDINGS THAT REQUIRE ACCESSIBILITY**

Property owners and managers need to know the guidelines for making buildings to the disabled. The Fair Housing Amendments Act of 1988 requires 7 features to be incorporated into buildings that would allow units to be adapted to meet accessibility guidelines. Properties built after 1988 it applies to all ground floor units and building with elevators. Properties built after 1991 are required to be accessible.

This includes condominium, apartment building, cooperative, timeshare units, public housing development, nursing home or assisted living. Properties don't necessarily have to be accessible, but to be compliant they need to be adaptable. The requirements include accessible entrances, accessible public use areas, usable doors, access to and through a covered dwelling, reachable light switches, thermostats, and electrical outlets, reinforcement for walls to accommodate grab bars, accessible kitchens and bathrooms.

## PROTECTED CLASSES UNDER WASHINGTON STATE DISCRIMINATION LAW



### AGE DISCRIMINATION:

**RCW 49.60.205** No person shall be considered to have committed an unfair practice on the basis of age discrimination unless practice violates RCW 49.44.909. It is a defense to any complaint of an unfair practice of age discrimination

Washington statute clearly prevents employers or licensing agencies from discriminating against employees or prospective employees over the age of forty based on their age.

Some examples of age discrimination:

1. Denial of a promotion
2. Refusal or equal pay
3. Refusal to hire
4. Failure to invest in the career development of an older worker

**MARITAL STATUS DISCRIMINATION RCW 49.60.222** Discrimination in housing based on marital status is illegal in Washington. The Washington State Law Against Discrimination (WLAD) found in the Revised Code of Washington (RCW 49.60.222) makes it illegal to refuse to engage in real estate transaction or provided different terms, conditions or privileges to a tenant, or prospective tenant, because of the tenant's marital status.

Marital status was not always a protected class under Washington law. In 1973 the WLADA was amended to prohibit discrimination in real estate transactions on the basis of marital status and sex. These two new protected class categories joined the existing categories of race, creed, color and national origin that had been part of the original 1969 law. Since 1973, The State's fair housing law has been further amended to prohibit discrimination against people with disabilities and families and children.



**Loveland v Leslie:** A marital status case quickly came before court in 1976 in the case of Loveland v Leslie. In this case, Steve Leslie contacted the owners of an apartment in North Bend WA and told Ruby Loveland that he was interested in the 2-bedroom apartment for himself and a male roommate. Ms. Loveland's response was that the apartment would only be rented to married couples. The King County Superior Court agreed with the HRC's determination that marital status discrimination had occurred, and the property owners appealed the findings to the Washington State Court of Appeals. In 1978 Appeals Court agreed that the owners' refusal to rent to two men amounted to marital status discrimination. The owners argued that the term "marital status" was unconstitutionally vague, but the Court disagreed finding that the term is commonly understood to relate to the existence or absence of a marriage bond.

## VETERAN OR MILITARY DISCHARGE

The Washington Law Against Discrimination (WLAD), RCW 49.60, prohibits discrimination against individuals on the basis of military status or being an honorably discharged veteran. This applies to the areas of employment, housing, public accommodation, credit and lending transactions. The WLAD also has greater protections for people with disabilities, as compared to the Federal Americans with Disabilities Act, and the Federal Fair Housing Act. This includes protections for people with traumatic brain injury, Post Traumatic Stress Disorder (PTSD), and depression or anxiety.



The following are some commonly asked questions:

- 1. I am a veteran with a disability. If I am discriminated against, would I file a complaint because of my disability or my veteran status?** It depends on the situation. The WSHRC looks at facts specific to each case. In some situations, discrimination happens based on multiple protected classes. For example, an honorably discharged veteran who also has PTSD was asked probing questions during the housing application process about having PTSD could file a discrimination complaint both because of military status and disability.
- 2. What kinds of questions can't be asked by a potential housing provider?** A housing provider should not ask questions based on stereotypes. For example, a housing provider should not ask questions about political beliefs related to military service or questions based on the assumption that veterans and service members have PTSD or other mental health conditions or disabilities.
- 3. I am in a twelve-month rental agreement, and after three months, the military is transferring me to another city. What should I do?** According to Section 535 of the Service members Civil Relief Act, housing providers are required to release you from your lease if you are required to



transfer to a different location by any branch of the military. No additional consequences or extra fees should be applied to you in this situation.

## FAMILIES WITH CHILDREN

The Fair Housing Act prohibits discrimination in housing against families with children under 18 years, persons who are pregnant or in the process of obtaining legal custody, or person with written permission of the parent or legal guardian.

Examples of Familial Status Discrimination:



1. Refusing to rent to families with children
2. Evicting families once a child joins the family through, e.g., birth, adoption, custody
3. Requiring families with children to live on specific floors or in specific buildings or areas
4. Imposing overly restrictive rules about children's use of the common areas
5. *Advertising that prohibits children.*

## RACE AND NATIONAL ORIGIN

Race is inclusive of traits historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles. This includes such hairstyles as afros, braids, locks and twists.

## TRAINED DOG GUIDE OR SERVICE ANIMALS

A companion dog can provide a veteran with PTSD critical benefits; a loyal companion when depression and anxiety take over, a trusted companion for fun and stress reduction, a way to express love and compassion, a good reason to spend time outdoors. Every companion dog provided benefits two lives: emotionally vulnerable veteran and a rescued dog!

<b>COMPARISON</b>		 SERVICE DOGS	 COMPANION DOGS
ADA Covered: Rights to bring dog into a public establishment		✓	✗
Needs the ability to tolerate a wide variety of experiences		✓	✗
May live with their disabled owners, even if a "No Pets" policy is in place		✓	✓
May fly inside an airplane with their disabled owner		✓	✓
Primary function is to provide emotional support, through companionship		✗	✓
Specially trained to assist just one person		✓	✗
Average Total Training Cost		\$40,000	\$3,000

## **AND NOW, OBESITY IS ADDED TO WASHINGTON STATE FAIR HOUSING:**

The Washington Supreme Court held for the first time that obesity is a protected class under state anti-discrimination law. \* (*The applicant v Burlington Northern Railroad Holdings, Inc*).

This decision runs counter to recent federal court decisions in other parts of the country that



have said that obesity not caused by and underlying physiological disorder or condition does not qualify as an impairment under federal law.

The main reason for this distinction is that Washington state disability discrimination law offers broader coverage than the federal Americans with Disabilities Act (ADA).

Housing discrimination doesn't always mean having a door slammed in your face or a bigoted remark directed your way. Unsuspecting renters or home

buyers may be politely turned away from the housing of their choice, even though they are qualified.

The law applies to all real property transactions including sale, appraisal, brokering, exchange, purchase, rental, or lease of real property or applying for a real estate loan.

### **\*THE APPLICANT V HOLDINGS, INC**

The Washington Supreme Court held for the first time that obesity is a protected class under state anti-discrimination law. This decision runs counter to recent federal court decisions in other parts of the country that have said obesity not caused by an underlying physiological disorder or conditions does not qualify as an impairment under federal law.

The main reason for this distinction is that Washington state disability discrimination law offers broader coverage than the federal Americans with Disabilities Act (ADA).

While Washington employers may have grown accustomed to expansive disability discrimination protections, the decision goes further than ever before and may require them to immediately adjust employment practices.

The applicant received a conditional offer of employment to work for BNSF Railway Company as an electronic technician, but the offer was contingent on him passing a physical examination and completing

a medical history questionnaire to the company's satisfaction. The medical evaluation revealed that the applicant was 5 feet 6 inches tall and weighed 256 pounds, resulting in a Body Mass Index (BMI) of 41.3.

Because a BMI over 40 is considered "severely" or "morbidly" obese, BNSF informed the applicant that it was unable to determine whether he was medically qualified for the job due to the significant health and safety risks associated with his physical condition. It further informed him that it was company policy to not hire anyone who had a BMI over 35, and that if he did not agree to pay for expensive additional medical testing to further examine his conditions, his only other option was to lose 10 percent of his weight and keep it off for six months.

The applicant was unemployed and without medical insurance or other benefits to assist him in paying for the proposed testing, and therefore, he declined the company's alternative proposals. Instead, he sued the railway company, alleging discrimination under the Washington Law Against Discrimination (WLAD) for refusing to hire him due to a perceived disability – obesity.

A federal court initially dismissed his claim, relying on federal cases interpreting the law to indicate that obesity is not a disability unless caused by a separate, underlying physiological disorder (and the applicant had no such disorder). But the 9<sup>th</sup> U.S. Circuit Court of Appeals believed that the applicant may have had a valid claim and was not ready to affirm the lower court's dismissal. Instead, it sent the matter to the Washington Supreme Court and asked it to resolve the issue by applying state law.

- The court said "obesity does not have to be caused by a separate physiological disorder or condition."
- The court went through a detailed analysis
- The court emphasized that the WLAD is broader than its federal counterpart, the ADA;
- BNSF argued that weight should not be considered an abnormality because it is not an immutable characteristic and could be altered by the individual.
- Because obesity qualifies as an impairment under the plain language of our statute, the court concluded, it is illegal for employers in Washington to refuse to hire qualified potential employees because the employer perceives them to be obese

**UNFAIR PRACTICES WITH RESPECT TO REAL ESTATE TRANSACTIONS (RCW 49.60.222)** It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

**SOME EXAMPLES:**

1. To discriminate against a person in the terms, conditions, or privileges or a real estate transaction or in the furnishing of facilities or services in connection therewith
2. To represent to a person that real property is not available for sale or rental, when in fact it is available

**ILLEGAL ACTIONS:**

The following are examples of illegal actions when based on an individual's race, color, religion, national origin, sex, familial status, or disability:

- Refusing to rent or sell a dwelling after a legitimate offer has been made.
- Refusing to negotiate for the sale or rental of a dwelling.
- Setting different terms, conditions, or privileges related to the sale or rental of a dwelling, or to the use of facilities and services provided in conjunction with a dwelling.
- Saying a dwelling is unavailable for rent or sale when it is available.
- Making a profit by convincing owners to sell or rent properties based on fear of declining property values because members of a protected class are moving into a neighborhood. (Known as blockbusting)
- Advertising the availability of a dwelling in a way that implies a preference for a certain type of buyer or renter, or places a limitation on the use of a dwelling for certain groups.
- Denying access to or membership in any multiple listing service, real estate brokers association or other organization in the business of selling or renting housing, or setting different terms or conditions for membership in such organizations.
- Refusing to make a mortgage loan.
- Refusing to give information about loans.
- Discriminating in the appraisal of the property.



- Refusing to purchase a loan or setting different terms for the purchase of a loan.
- Interfering in any way with a person's exercise of their fair housing rights.

### **RETALIATION:**

It is against the law for someone to penalize or discriminate against you because:

- You file a discrimination complaint
- You cooperate with a discrimination complaint
- You cooperate with the enforcement of a discrimination complaint
- You comply with anti-discrimination laws



### **HARASSMENT**

Anti-discrimination laws also protect you from harassment. Harassment is conduct that is directed at you.

- Threats
- Slurs or epithets
- Threatening acts
- Posting offensive materials on walls, bulletin boards, e-mail etc.

### **Are you a member of a protected class?**

Yes, every person has characteristics under the laws. Every person can be described by race, color, sex, religion, and other

protected classes. It is when those characteristics are used to show a limitation, preference or discrimination that any person can have protections under the laws.

## **COURT CASES FOR DISCUSSION:**

### **1. JONES V ALFRED H. MAYER CO SUPREME COURT 1968**

DISCRIMINATORY PRACTICE/POLICY BASED ON RACE.

If you own property, the law is that you can sell, rent or lease to anyone you want. But what if you decide not to sell to someone just because of the person's race? Does the Constitution protect people from discriminating against private individuals?

Joseph Lee Jones and his wife, Barbara Jo Jones were looking for a home in the Paddock Woods community of St. Louis Missouri and went to a new development owned by the defendant, developer Alfred H. Mayer. They chose a lot and submitted an application to have their home built on the lot. Mayer refused because it was his "general policy not to sell houses and lots to Negroes".

Jones filed a suit in federal District Court for the Eastern District of Missouri alleging that refusal to sell to him based on his race violated the Civil Rights Act of 1866, which later became 42 U.S.C 1982, which provides that "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property."

The trial court dismissed Jones' suit saying that 42 U.S.C 1982 only applied to state actions, which means laws or actions taken by federal or state governments. The Eighth Circuit affirmed the trial court's decision, and that went to the Supreme Court.

The Supreme Court looked at whether the Civil Rights Act of 1866 could be applied to private citizens with no state action. The court held that it did.

### **2. CASON V NISSAN MOTOR ACCEPTANCE CORPORATION (M.D. TENN)**

On July 11, 2000, the United States filed an \*amicus curiae brief in support of plaintiffs in Cason v Nissan Motor Acceptance Corporation (MD, Tenn.). In this case, plaintiffs allege that defendants' practice of permitting Nissan dealers to set finance charges at their discretion resulted in African-Americans paying higher finance charges, and that these higher charges could not be explained by non-discriminatory factors. In our amicus brief in support of plaintiff's opposition to defendant's motion for summary judgment, we argue that a lender has a non-delegable duty to comply with ECOA, and, thus is liable under Equal Credit Opportunity Act (ECOA) for discriminatory pricing in loans that it approves and funds. The United States further argue that plaintiffs do not need to prove that defendant was on notice regarding the alleged discrimination, but that, in any case, plaintiffs have offered evidence that defendant was on

notice. The court subsequently denied summary judgement for the defendants, and the case is currently on appeal regarding class certification.

*\*amicus curiae brief is Latin and means "friend of the court; Plural adds the word Curiae.*

**3. STATE V REALTY MART PROPERTY MANAGEMENT, LLC (Spokane County Superior Court)**

complaint, consent decree. The State of Washington alleged Realty Mart Property Management, LLC and its managing agent, John Cornett, discriminated on the basis of disability in violation of the federal Fair Housing Act, the Washington Law Against Discrimination, and the Consumer Protection Act by charging a double damage deposit to prospective tenants who pay rent with disability income. The consent decree requires the defendants to adopt a revised non-discrimination policy, train staff, pay a civil penalty, and pay the State's costs and fees.

**4. DOMINOS' PIZZA LLC**

On June 5, 2000, the United States reached with settlement agreement Dominos' Pizza Inc under which Dominos' adopted a Limited Delivery Service Policy. The United States had received a complaint that Dominos' policy of providing only limited pizza delivery in certain geographical areas had discriminatory effect on African Americans in the more than 650 corporate stores and 3,900 franchise stores throughout the county. The policy provides guidelines by which store managers can limit deliver in certain geographical areas. Under the policy, Dominos stores may limit delivery services in specific areas where there is evidence that the safety of delivery drivers is threatened by current criminal activity in the area. The policy recommends that Dominos' stores consult with local law enforcement, as well as businesses and community organizations, to determine the gravity of safety concerns and the need to limit delivery services. The scope of any delivery limitations by Dominos stores must be narrowly confined to the area in which safety is a concern. Store managers also must conduct an annual review of any decision to limit delivery to determine if the threat to safety is still present or if the delivery limitation may be lifted. Dominos' Director of Safety and Security will review decisions by corporate stores to limit delivery.

**5. FIRST BOSTON REAL ESTATE (Okla.)**

On June 28, 2000, the United States signed a settlement agreement with a real estate company settling our allegations that one of its former agents violated the Fair Housing Act on the basis of race by engaging in a pattern or practices of discrimination in the sale of a dwelling. The settlement agreement obligates the real estate company, First Boston Real Estate, to implement a non-discriminatory policy, which will be displayed in its offices and distributed to any persona who inquire about the availability of any properties, as well as to all agents. There are reporting requirements and the Metropolitan Fair Housing Council of Oklahoma City, Oklahoma will receive \$3,000.00 in compensatory damages

6. In the 1940's JD Shelley moved his wife and six children to St. Louis, Missouri to escape the racial inequalities they felt in Mississippi. After searching for a new home, they found that many of the homes and neighborhoods had race-based restrictive covenants, which are agreements that limit what the owners can do with the home and land. Many homes were only to be sold to whites. Shelley chose a home that contained such a covenant, and the homeowner agreed not to enforce it. Shelley bought the home and moved his family in. Soon after, Louis Kraemer, a homeowner who lived 10 blocks away, sued to enforce the restrictive covenant that had been made in 1908.

The trial court sided with Shelley, saying the covenant was not valid because the record showed the parties to the original agreement intended that the covenant not be effective until signed by all the parties in the district, and not all homeowners had signed the agreements. Kraemer appealed and the Missouri Supreme Court reversed the trial court's decision ruling that the 1911 covenants was properly executed and did not violate the U.S. Constitution. This time Shelley's appealed and the Supreme Court accepted the case.

The Supreme Court looked at two issues:

1. Are restrictive covenants that exclude on the bases of race in violation of the 14<sup>th</sup> Amendment's equal protection clause?
2. Are the covenants enforceable by the courts?

Chief Justice Fred Vinson wrote for the majority, and he began with a reminder that the 14<sup>th</sup> Amendment's equal protection clause prohibited discrimination based on race. He then discussed previous cases where the Court declared city ordinances that prevented persons from establishing homes in certain areas based on race. These were unanimous rulings that established segregation by the government is a violation of the 14<sup>th</sup> Amendment.

However, Vinson then looked at the question of whether private covenants can be declared a violation of the equal protection clause of the 14<sup>th</sup> Amendment.



# TOPIC AREA III

## The Role of the Broker and Managing Broker

### GENDER PRONOUNS

Gender pronouns are the term people choose to refer to themselves that reflect their gender identity. These might be he/him, she/her or gender-neutral pronouns such as they/them. Knowing and using a person's correct pronouns makes people feel respected and valued, and affirms their gender identity.

While people may use the terms sex and gender interchangeably, they mean different things.

Sex refers to the physical differences between people who are female, male or intersex. A person typically has their sex assigned at birth based on physiological characteristics including their genitalia and chromosome composition.

People may identify with genders that are different from sex assigned at birth, some people do not identify with any gender, while others identify with multiple genders. These identities may include transgender, nonbinary, or gender-neutral



Only the person themselves can determine what their gender identity is, and this can change over time.

Everyone has the right to use the gender pronouns that match their personal identity. These pronouns may or may not match their gender expression, such as how the person dresses, looks, behaves or what their name is.

Mistakes happen. Even with the best intentions you may misgender someone. If that happens, apologize, correct yourself, and move on.

## UNDERSTAND AND OVERCOME LANGUAGE BARRIERS

Some common examples of linguistic barriers include people from different countries interacting with one another, people in some countries having a different way of greeting others and people having the same language speaking in different dialects.

Language barriers usually occur when two people who speak different languages cannot understand one another and there is a breakdown in language and communication. They can also come from physical language disabilities which include stuttering, articulation disorder and hearing loss.

Although the barriers to be effective communication may be different situations, the following are some of the main barriers:

1. Linguistic barriers
2. Psychological barriers
3. Emotional barriers
4. Physical barriers
5. Cultural barriers
6. Organizational structure barriers
7. Attitude barriers
8. Perception barriers

How can language barriers affect communication?

1. Speak slowly and clearly – focus on clearly enunciating and slowing down your speech. Even if you are pressured for time, don't rush.
2. Ask for clarification – If you are not 100% sure you have understood what others say, ask for clarification. Avoid assuming you have understood what was said.
3. Check for understanding, repeating yourself – check both that you have understood and that others have fully understood you.
4. Avoid Idioms – A good general rule, if the phrase required knowledge of other information- be it a game or metaphor, this may make your communication more difficult to be understood.
5. Be careful of jargon – Watch the use of TLAs (Three Letter Abbreviations) and other language that may not be understood by others.
6. Be specific – Spell out your expectations and deadlines clearly.
7. Be patient – Cross-cultural communication takes more time.
8. Ask the parties if they would like a someone to help them understand better and you can arrange this, or they may have a friend or relative that can be involved that they trust.

## BUYER LOVE LETTERS - ALSO CALLED UNFAIR PRACTICE LETTERS



Buyer love letters are used by some buyers in an attempt to stand out to a seller, especially in hot markets with low inventory and bidding wars. These letters (and sometimes family pictures enclosed) seem innocent enough, but they could open real estate professionals and their clients to fair housing violations. Sellers cannot legally choose one buyer over another based on a protected class.

Before you are faced with a buyer love letter, consider these best practices to protect yourselves and your clients from fair housing liability:

1. Educate your clients about the fair housing law and the pitfalls of buyer love letters.
2. Remind your clients that their decision to accept or reject an offer should be based on the offer, not the people.

It is very important for brokers to know the fair housing laws and explain them to their clients when “love letters” are presented with the offer.

When searching “love letters” I googled “sample of love letters in real estate” and it brought me to a page on ETSY! For \$4.05 to \$6.50 you can choose from an assortment of love letters written on your behalf! Here are some of the samples:

1. Letter to seller with a place for a family picture and a brief explanation of the family and the dog!
2. Letter to seller “we love your home” and all the details of the family
3. “Your home is perfect for us”

These are some of the templates you buy – I found 7 of them! I guess you can find anything on the internet!

**REMEMBER, IT IS THE OFFER, NOT THE PEOPLE.**

**Here is a great video to watch – Testing the Divide – about Long Island real estate agents and Fair Housing violations – 43 minutes**

<https://www.youtube.com/watch?v=wqN-D3f49fE>

## POTENTIAL TYPES OF DISCRIMINATORY AND UNFAIR PRACTICES

### STAGING FOR SPECIFIC DEMOGRAPHICS

When real estate agents talk about “staging your home”, they are referring to a method of preparing a property for sale on the real estate marketplace. Staging is designed to showcase a home’s best assets, impress buyers and sell it quickly for the highest possible price.

Whether a seller prepares the home, or a listing broker hires a “stager”, the property should be marketed so that the seller is not making a statement as to who they will or will not sell to.

Here are some examples:

1. Home staging refers to preparing your home to sell so it appeals to the most potential buyers who will pay the highest possible price.
2. Staging may be one of the most lucrative projects to undertake.
3. The living room, kitchen, bathrooms, bedrooms and outdoor living spaces are all important areas to focus on.
4. Declutter, clean or replace your appliance so they look new
5. Remove any personal items, such as photos.
6. And, get rid of any odors (pets, smoking, dirty laundry – yikes!)

### BLOCKBUSTING

What is blockbusting? Blockbusting is illegal. It is the process of convincing homeowners to sell their homes at a lower price by lying and stating that their neighborhood’s socioeconomic makeup is changing and moving in a direction they may not like.

This could be a real estate agent or landlord telling white homeowners that Black people are moving into the area. A Christian homeowner that Jewish families are moving in, or something else. The real estate agent or landlord will lie and tell the homeowners that these new groups moving in could affect the value of their home, when it really won’t affect the value at all.

#### **Blockbusting is racist, anti-Semitic, homophobic and more and should not be tolerated!**

An example of blockbusting would be a real estate agent hiring a Black woman to walk her dog in an all-white neighborhood. They then place their real estate cards in all the mailboxes on the block offering to buy the house right away at a discounted price. They convince the homeowner they are there to help because their home values will decline due to the influx of new groups of people in the area.

The Federal Fair Housing Act was enacted in 1968 to address the issue of blockbusting and redlining (see below for explanation) It specifically protect groups of people from discrimination. Treating an individual differently because they belong to a certain group of people is illegal. All groups of people MUST be treated equally.

## REDLINING

Another illegal real estate practice is redlining, which is when a bank, credit union, mortgage company or other lender refuses to lend a home loan or line of credit to a homeowner based on their race, color, religion, sex, national origin or marital status.

There is also a practice called reverse redlining where lenders target certain neighborhoods when marketing high-cost or predatory mortgages.

In 1938, the Homeowner's Loan Corporation created so called "residential security maps" to guide entities toward practicing "responsible lenders". Neighborhoods deemed "hazardous" for lending were outlined in red – a process known today as redlining. Predominately Black, urban neighborhoods were redlined in NYC. Despite being banned in the Fair Housing Act of 1968, decades of the long- lasting effects for these residents of the redlined communities, still exists.

## STEERING IN REAL ESTATE

"Steering" is the practice of influencing a buyer's choice of communities based upon one of the protected characteristics under the Fair Housing Act, which are race, color, religion, gender disability, familial status or national origin.

This means that white buyers are often given more housing options and advised against moving to certain neighborhoods. Black buyers tend to be given fewer options and are steered toward predominantly Black or mixed-race neighborhoods.

Steering is illegal under the Fair Housing Act. Real estate agents are required to offer equal professional services to all homebuyers. If an agent isn't giving equal professional service to their clients, and if they are making assumptions about what buyers of different races want without explicit direction from those buyers, then they are in danger of steering.



If a buyer wants to buy a home in a certain school district or near a particular place of worship, that's usually not a form of steering, as long as the buyer is the one driving those decisions.

It is not an agent's job to impose their personal opinion onto a buyer's journey. That is where objective comes in. Agents should offer up objective information and resources to buyers about local schools, crime and safety, and other important community data. That way no biases come into play, and buyers can make their own informed decisions.

#### **ADVERTISING PROPERTIES FOR SALE OR RENT**

The Fair Housing Act prohibits the making, printing and publishing of advertisements that indicate a preference, limitation or discrimination. The prohibition applies to publishers, such as newspapers or directories, as well as persons and entities who place real estate advertisements in newspapers or on websites.

Examples of advertising that may violate the Act include phrases such as "no children", which indicates discrimination on the basis of familial status, or "no wheelchairs," which indicates disability discrimination.

The following is a “suggested” list of words updated 2/21, and could change at any time. The following word and phrase list is intended only to provide general guidelines to assist in complying with federal, state and local fair housing laws and nondiscriminatory practices. This list should not be construed as providing legal advice. It is intended to educate, provide guidance and make you aware of the important legal obligations concerning fair housing issues as they relate to real estate advertising.

This list is not all-inclusive. A general list cannot cover every situation or question. Each word must be considered in context. If you have any questions, you should consult with your own legal counsel.

**Remember, when in doubt:**

**NEVER USE** ethnic references (e.g. Black, Caucasian/White, Asian, American Indian)

**NEVER USE** nationalities (e.g. Chinese, African, German, Italian)

**NEVER USE** religious references (e.g. near temple, mosque, church, Christian, Muslim, Catholic)

**NEVER USE** sex, gender or sexual orientation (e.g. male, female, transgender, homosexual, gay)

**PROHIBITED WORDS:**

Able-bodied, adult community, adult friendly, adult living, adults only, African, African Americans, agile, AIDS, alcoholics-no, American Indian, Appalachian Asian, Asian, bachelor, Black(s), board approval required, Buddhist, cash assistant, Catholic, Caucasian, Chicano, children, children-no, Chinese, Christian, Church (es) -near, citizens only, colored, couples only, criminal records – no, crippled- no, deaf-no, disability, disabled, disabled- not suitable for, employment- must be, employment verification, empty nesters, English only, ethnic references, exclusive, executive, family, family – great for, females only, gay, gender, golden agers only, grandma’s house, group homes, handicapped – not for, healthy only, heterosexual, Hindu, Hispanic, HIV, homosexual, Hungarian, impaired – no, Indian, integrated, Irish, Islamic, Italian, Jewish, Landlord, Latino, lesbian, LGBTQ, LINC, low income, male- man-men only, married, mature couple, mature individual, mature person, membership approval required, mentally disabled-no, Mexican, Mexican-American, Migrant workers- no, Mormon Temple, Mosque, Muslim, must comply with, Nationality, Negro, Newlyweds, non-alcoholics, non-drinkers non married, non-citizen, not suitable for, older person, one child, one child only, one person, Oriental, parish, paystub required, Philippine, physically fix only, play area-no, Polish, preferred community, programs – no,

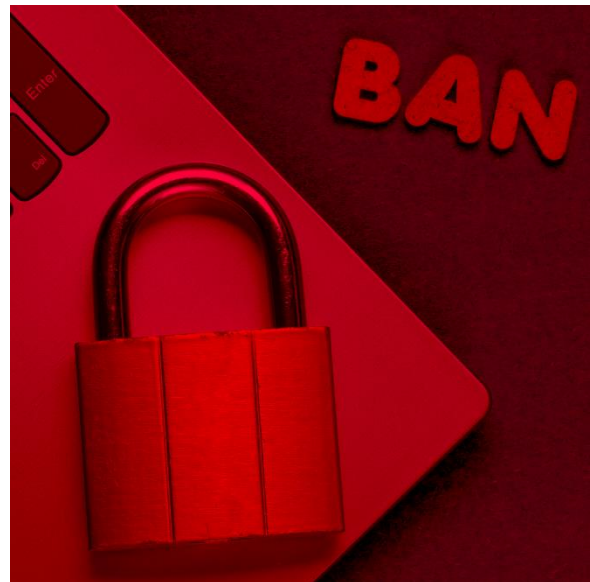
Protestant, public assistance- no, Puerto Rican, queer, quiet tenants, religious reference, responsible, restricted, retarded-no, safe neighborhood, seasonal workers – no, section 8 – no, senior discount-no, sex or gender, shrine, single friendly, single woman, man, singles, singles only, singles preferred, smokers- no, Social Security Insurance/SSI, Spanish speaking, stable, straight only, Synagogue, temple, tenants- description of, transgender, two people, unemployed- no, verifiable income, wheelchairs- no, white, white only, woman only.

And by time this list was put together I'm sure many more were added and/or deleted based on the situation!

### **CAUTION WORDS**

55 and older community\*, 62 and older\*, active, close to...., college students-no, country club near, credit check required, domestic's quarters, fisherman's retreat, gentleman's farm, handicap, handyman's dream, ideal for...., mother-in-law apt, nanny's room, near....., older persons, one person, perfect for..., person – number of, pets- no, prestigious, private, quality neighborhood, retired retiree, retirement home, school designations, secluded, secure, seeking same, senior citizen\*, senior housing\*, seniors, sophisticated, starter, students-no, traditional, two people, walking distance to...;

***\*May be permitted only when complex or development legally qualifies as senior housing.***





## **COMMON PROPERTY AND COMMUNITY DESCRIPTIONS THAT NO LONGER SHOULD BE USED:**

1. Great schools – If you wish to talk about proximity to local schools, you can do so by including the distance to area schools, but you shouldn't be making an assumption about the schools in the neighborhood.
2. Safe neighborhood/ quiet neighborhood – Your assessment of safe or quiet may not be someone else's.
3. Nice neighbors – Making assertions about the neighbors can be misleading and inaccurate. When it comes down to it, you really don't know what the neighbors are like or how they will treat a newcomer.
4. Walking distance – If you have older buyers they may be struggling with limited mobility, so walking distance may be misleading. You can instead provide mileage by using Google Maps.
5. Near churches - When a specific church is mentioned as a "landmark" it suggests not only that the prospective buyer should be church going, but they should be from a specific denomination.
6. Master's suite/bedroom/bathroom – This phrase uses the "assumption" that the owner of the home is or should be a man. In place of this, consider owner's suite/ bedroom/bathroom or primary suite.
7. Great family home – Buyers come in all shapes and sizes, including those who are single, unmarried couples, childless by choice or not, retirees or anyone who doesn't fit the mid-20<sup>th</sup> century image.
8. She-shed and man-cave – so many references to these now-a-days. Remember, a person who enjoys watching football or woodworking can be either gender.

## UNDERSTAND FINANCIAL ASSISTANCE PROGRAMS AND CONNECTION TO PROTECTED CLASSES

For many people, the cash down payment required to buy a home is a hurdle. Down payment assistance programs help with this barrier. They urge the borrower to take a homebuyer education class and review of the various programs to see which one would suit them best.

### Programs Available Statewide

1. Home Advantage DPA – up to 3% or 4% of the first mortgage total or gross loan amount for borrowers using the Home Advantage Gov't or Conventional loan programs or up to 5% using Home Advantage conventional or FHA
2. Home Advantage DPA needs based Option – up to \$15,000 for borrowers using the Home Advantage loan and under certain income limits;
3. Opportunity DPA – Up to \$15,000 for borrower's using the House Key Opportunity loan
4. Veterans – up to \$10,000 for military veterans who have served our country;
5. Home Choice – up to \$15,000 for buyers with a disability or disabled family member

## FINANCIAL PRODUCTS THAT HAVE COMMON MISCONCEPTIONS:

- i. Section 184 Indian Home Loan Guarantee Program** – There are many things that can be confusing and frustrating when trying to apply for a home loan or mortgage, and even more difficult if you are a member of a Native American Tribe or Alaskan Native Tribe. Before 1992, it was nearly impossible for Native Americans who lived on reservations to obtain a mortgage. When the Section 184 Loan Guarantee Program was created by the Housing and Community Development Act of 1992, attaining a loan or mortgage became much easier. These loans can be used both on or off reservation lands for new construction, rehabilitation, purchase of an existing home, or refinance. Section 184 is a program that is specifically geared towards these groups because of the unique status of Indian lands. Section 184 is reserved for members of Native American and Alaska tribes, so to receive a Section 184 loan, you must be an enrolled member of a federally recognized tribe.
- ii. VA LOAN** -Fair housing laws were enacted to protect house buyers from discrimination. It is illegal to deny a loan or housing to someone for non-financial reasons such as race, religion, family status, sexual orientation, gender, perceived gender, handicap, or other non-financial issues.

VA home loans enjoy the same Fair Housing law protections as any other type of mortgage loan, and military members looking for housing should not, under the law, be discriminated against for being "single soldier parents" or having a family with or without being legally married, etc.

If you want to purchase a home with a VA mortgage, you cannot be discriminated against for your disabilities in any stage of the process including, viewing, inspecting or otherwise having access to the property as a prospective buyer.

## **NAVIGATING COMPLAINTS**

There are several ways to file a federal complaint.

**Online:** You can [file a complaint online](#) on the U.S. Department of Housing and Urban Development website.

**Phone:** Call toll-free at 800.877.0246

**Mail:** Complete the Are you a Victim of Housing Discrimination? complaint form (below) and mail it to:

### **Office of Fair Housing and Equal Opportunity**

Department of Housing and Urban Development Room 5204,  
451 Seventh Street SW  
Washington, DC 20410-2000

**Or write a letter to HUD and mail it to:**

### **Seattle Regional Office of FHEO**

US Dept of Housing and Urban Development  
Seattle Federal Office Building  
909 First Avenue, Room 205  
Seattle, WA 98104-1000

Be sure to include the following information:

- Your name and address
- Name and address of the person your complaint is about
- Address of the house or apartment you were trying to rent/ buy
- Date when the incident occurred
- A short description of what happened

To file a State complaint:

To file a complaint, call 800.233.3247.

Document the discrimination:

- Note the dates, times, words used, and actions or conduct you believe is discriminatory.
- Keep copies of any relevant letters, answering machine messages, etc.
- Note any witnesses to the action or situation.

In accordance with the Law Against Discrimination, formal complaints must be filed with the Washington State Human Rights Commission within 12 months.

The goal is to assure residents of Washington State have the tools they need to report housing rights violations. If you feel you have been discriminated against, please contact the agency.

There is a complaint form and packet available on their websites.

Some other agencies you may contact:

1. **Washington State Human Rights Commission (WSHRC)** Under the law, everyone has the right to be free from discrimination at work, in housing, in a public accommodation. It must be filed within six months from the date of the alleged violation in order to protect your rights. A discrimination charge in housing must be filed with WSHRS within one- year from the date of the alleged violation

Before filing a complaint review the three lists on the website:

- a. Jurisdiction
- b. Protected classes
- c. Investigative process

For housing complaints contact WSHRC directly at 1-800-233-3247

Olympia Headquarters: 711 S. Capitol Way, Suite 402, Olympia, WA 98504

Spokane District office; 1330 N. Washington St, suite 2460, Spokane, WA 99201

Yakima District Office: 1205 Ahtanum Ridge Dr., Suite C, Union Gap, WA 98903

E. Wenatchee District Office: 519 Grant Road, East Wenatchee, WA. 98802

**Language interpreter service is available to callers. Please state your preferred language when you call**

- 2. DEPARTMENT OF FINANCIAL INSTITUTION (DFI)** Accepts complaints against mortgage lenders and services and others they regulate. They oversee banks, credit unions, mortgage lenders, escrow companies, consumer loan lenders, payday lenders and security brokers/dealers.

You can contact them at 1-360-902-8703 or email at [CSEnforceComplaints@dfi.wa.gov](mailto:CSEnforceComplaints@dfi.wa.gov) and the website is [www.dfi.wa.gov](http://www.dfi.wa.gov)

- 3. NORTHWEST FAIR HOUSING ALLIANCE** – The mission of the Northwest Fair Housing Alliance is to eliminate housing discrimination and to ensure equal housing opportunity for the people. NWFAH is a non-profit fair housing advocacy established in September 1994. They receive funding from federal, state and local agencies and private entities to bring fair housing and training to 17 counties in Eastern and Central WA.

You can contact them at 1-509-325-2665.

They are located at 35 W. Main Ave, Suite 250, Spokane, WA 99201 and their website is

[www.nwfairhousing](http://www.nwfairhousing)

- 4. FAIR HOUSING CENTER OF WASHINGTON** - Their service area is western and central Washington. And they partner with Northwest Fair Housing Alliance in Spokane, serving Eastern Washington.

You can contact them at 253-274-9523

They are located at 1517 Fawcett Avenue # 250, Tacoma, WA 98403

Or you can reach them at [info@fhcWASHINGTON.org](mailto:info@fhcWASHINGTON.org)

**Let's talk about covenants in more detail, especially some of the "racially slurred" existing covenants**

All title reports have printed the following paragraph:

*"As to any and all covenants and restrictions set forth herein, the following is added: "but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant(s)(a) is/are exempt under Chapter 42, Section 3607 of the United States Code, or (b) relates to a handicap but does not discriminate against handicapped person's"*

AND

*"This commitment does not republish any covenant, condition, restriction or limitation contained in any document referred to in this commitment to the extent that the specific covenant, condition, restriction, or limitation violates State or Federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status or National Origin.*

**CAN THIS REALLY BE IN OUR COVENANTS? YES!**

***"(C) NO RACE OR NATIONALITY OTHER THAN THE WHITE RACE SHALL USE OR OCCUPY ANY BUILDING ON ANY LOT, EXCEPT THAT THIS COVENANT SHALL NOT PREVENT OCCUPANCY BY DOMESTIC SERVANTS OF A DIFFERENT RACE EMPLOYED BY AN OWNER OR TENANT."***

Under recording # 189340B

***"Declaration of Protective Covenants"***

***Know all men by these presents that William H. Cowles, Jr. and John McKinley, Executors of the Estate at William Hutchinson Cowles, being the owners of all Lots in High Drive First Addition to the City of Spokane in the City of Spokane, County of Spokane, State of Washington, as per map thereof recorded in the office of the County Auditor of said County on July 9, 1953***

**A great Video to watch – BLACKED OUT SPOKANE**

[https://www.youtube.com/watch?v=PSY4SFShijk&feature=emb\\_logo](https://www.youtube.com/watch?v=PSY4SFShijk&feature=emb_logo)

***(c) No race of nationality other than the white race shall use or occupy any building on any lot, except that this covenant shall not prevent occupancy by domestic servants or a different race of nationality employed by an owner or tenant***

***And another one:***

***No person or persons of Asiatic, African or Negro blood, lineage or extraction shall be permitted to occupy a portion of said property or any building thereof, except domestic servants or servant my be actually and good faith employed by white occupants of such premises***



***And another one:***

***No persons of any race other than the white or Caucasian race shall use or occupy any building or any lot except that this covenant shall not prevent occupancy by domestic servants of a different domiciled with an owner or tenant.***

#### Legislative History of Addressing Racial Discrimination

- Racial restrictions are illegal to enforce as set by Federal Fair Housing Act since 1968; prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin.
- In 1969, State of Washington made it illegal under state law to discriminate against protected persons (Engrossed Bill 144)
- In 1987, Senate Bill 5371 added the Owner “may cause the (racial restriction) provision be stricken from the public records by bringing an action in the superior court...”

## HB 1335

What is does:

Three components: Fund the University of Washington and Eastern Washington University, programs to review public records and identify those racial restrictions

- Adds to the required Disclosures, section 1, item k  
NOTICE TO BUYER: Covenant or deed restrictions based on race, creed, sexual orientation or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington Law allows for the illegal language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditors' websites provide a short form with instructions on this process.
- States the process to physically "strike" racial restrictions, addressing May v Spokane exposed shortcoming.

The modification document will refer to the original recorded document that contained the racially restricted covenant and contain the following statement required by law:

The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and Federal law. This document strikes from the reference original instrument all provisions that are void and unenforceable under law.

Recording a modification document will provide notice in the land title records that the racially restricted covenant is void and unenforceable. It will not delete the historic record. The modification document legally strikes, but does not physically erase, the void and illegal discriminatory provisions from the original documents.

### SPECIFICS ON STRIKING:

- Plaintiff files Declaratory Judgment Action as set forth in RCW 49.60/226 in situs county
- Court rules on whether restriction violates RCW 49.60.224  
If so, issues Order striking the void provision, providing recording info of the original document  
Issue Order states the void provision "verbatim"  
Issue Order will have "certified copy" as exhibit where the court physically redacts the void provisions
- Plaintiff obtains a certified copy of Order and deliver to the Auditor
- Auditor shall record the "documents prepared by the court" with the following information
- Cover sheet/first page must:  
Identify original document number/book/page  
State pursuant to RCW 49.60/227  
Cause number of Declaratory Judgment and date of Order



- Auditor shall update the index of each original document with NEW number, noting the original offending instrument is no longer “primary official document”
- Original offending instrument shall be maintained separately or set to State Archives.

Some areas in Spokane that are affected:

- Replat of Western 1<sup>st</sup> & Janson Addition
- Western 2<sup>nd</sup> Addition
- Burns & Snider Addition
- Boulevard Park Addition
- First Glenwood Park Addition
- Mount Pleasant Addition and Mount Pleasant 1<sup>st</sup> Addition
- Audubon Terrace 4<sup>th</sup> Addition
- Audubon Terrace 3<sup>rd</sup> Addition
- Audubon Terrace Addition
- East Audubon Park Addition
- Audubon Terrace 1<sup>st</sup> Addition
- East Audubon Park Addition
- Franklin Park Addition
- Kopet Addition
- Guthrie’s 1<sup>st</sup> Addition
- Lidgerwood Park Addition
- Lloyd Park Addition
- Soo-Spokane Addition
- Rockwood View Addition
- High Drive 2<sup>nd</sup> Addition
- Comstock Park 2<sup>nd</sup> Addition
- Comstock Park 4<sup>th</sup> Addition
- Siegmund’s Addition
- Gandy’s Replat of Portions of King and 1<sup>st</sup> King Addition
- High Drive 1<sup>st</sup> Addition
- Manito Club 1<sup>st</sup> Addition
- Janosky Subdivision
- Millwood Homes Addition
- Morning Side Park Addition, County Homes
- Polwarth’s Addition to Millwood
- Polwarth’s 1<sup>st</sup> Addition, Spokane
- Throop & Fitzpatrick’s Subdivision of Trentwood, Spokane Valley

### **LET'S TAKE A QUICK REVIEW OF OUR HISTORY:**

**1866** – The Civil Rights Act guaranteed property rights to all, regardless of race

**1917** – US Supreme Court outlaws racial- segregation ordinances

**1926** – Supreme Court validates covenants, saying that while blacks have the constitutional right to own property, sellers are not compelled to sell to them

**1934** – US Federal Housing Administration is created but provides developers with model form of restrictive covenants

**1948** – Supreme Court decides racial covenants are not legally enforceable, but leaves open the possibility of voluntary agreements between real estate agents and homeowners.

**1950** – US FHA agrees not to insure properties with racial covenants.

**1964** – Voters in Seattle strongly reject referendum to open housing

**1964** – Congress enacts the Civil Rights Act of 1964 – Title VI of the Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. This includes any housing receiving federal funding

**1968** – Assassination of the Rev. Dr. Martin Luther King Jr prompts unrest in more than 100 cities. In Seattle the City Council unanimously approves open housing ordinance, in part, to maintain peace.

**1968** – Fair Housing Act Title VIII – Housing discrimination outlawed, making it illegal to refuse to negotiate, rent or sell based on race and other characteristics.

**1969** – In Washington, Legislators pass measure voiding restrictive covenants

**1974** – Through the Equal Credit Opportunity Act (P.L. 93-495) Congress prohibits creditors from discriminating against any applicant on the basis of sex or marital status.

**1975** – The Home Mortgage Disclosure Act of 1975 helps to discourage redlining or geographic discrimination in the mortgage lending industry.

**1976** – The Equal Credit Opportunity Act was amended to include the prohibition of discrimination based on race, color, religion, national origin, age, source of income because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

**1988** – President Ronald Regan signs Fair Housing Amendments Act of 1988 to protect people from negative housing actions that occur because of their race, color, national origin, religion, sex, disability, or family status.

**1994** – President Bill Clinton issues an Executive Order No 12892 requiring federal agencies to “affirmatively further fair housing.”

**2018** – Washington State Governor Jay Inslee signs a proclamation recognizing the 50<sup>th</sup> anniversary of the federal Fair Housing Act, reaffirming the state’s commitment to equal housing.

#### **ADDITIONAL RESOURCES State and Federal Agencies**

- Governor’s Committee on Disability Issues & Employment: [www.esd.wa.gov/GCDE](http://www.esd.wa.gov/GCDE)
- Governor’s Office of Indian Affairs: [www.goia.wa.gov](http://www.goia.wa.gov)
- U.S. Department of Justice: [www.justic.gov](http://www.justic.gov)
- U.S. Department of Housing and Urban Development: [www.hud.gov](http://www.hud.gov)
- Washington State Attorney Generals’ Office (Housing court cases)  
<https://www.atg.wa.gov/cases>
- Washington State Commission on Asian Pacific American Affairs: [www.capaa.wa.gov](http://www.capaa.wa.gov)
- Washington State Commission on African American Affairs: [www.caas.wa.gov](http://www.caas.wa.gov)
- Washington State Department of Veterans Affairs: [www.dav.wa.gov/veterans-their-families/veterans-benefits/housing-resources](http://www.dav.wa.gov/veterans-their-families/veterans-benefits/housing-resources)
- Washington State Housing Finance Commission (home loans & down payment assistance):  
[www.heretohome.org](http://www.heretohome.org)
- Washington State Human Rights Commission – Fair Housing: [www.hum.wa.gov/fair-housing](http://www.hum.wa.gov/fair-housing)
- Washington State LGBTQ Commission: [www.lgbtq.wa.gov](http://www.lgbtq.wa.gov)
- Washington State Women’s Commission: [www.wswc.wa.gov](http://www.wswc.wa.gov)

#### **ADDITIONAL RESOURCES:**

- American Disability Act: [www.ada.gov](http://www.ada.gov)
- Fair Housing Center of Washington: [www.fhcwashington.org](http://www.fhcwashington.org)
- National Housing Law Project: <https://www.nhip.org>
- Non-native speaker resources: Human Rights Commission: [www.hum.wa.gov/fair-housing-general-fair-housing-discrimination-brochures-language](http://www.hum.wa.gov/fair-housing-general-fair-housing-discrimination-brochures-language)
- Northwest Fair Housing Alliance: [www.nwfairhouse.org](http://www.nwfairhouse.org)
- Reasonable Accommodations and Modifications:  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modifications](https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications)
- The Seattle Civil Rights & Labor History Project (University of Washington):<https://depts.washington.edu/civil/segregated.htm>
- University of Washington Race & Equity Initiative: [www.washington.edu/raceequity](http://www.washington.edu/raceequity)

#### **HUD PUBLISHES 2021 CIVIL PENALTY AMOUNTS FOR FAIR HOUSING VIOLATIONS:**

**On March 16, 2021, the U.S. Department of Housing and Urban Development (HUD) published new inflation- adjusted civil penalty amounts for individuals or entities that have been found to have violated a variety of different housing-related laws, including the federal Fair Housing Act. The new civil penalty amounts will apply to violations of the Fair Housing Act that occur on or after April 15,2021.**

**Under these revised amounts, someone can be assessed a maximum civil penalty of \$21,663 for his or her first violation of the Fair Housing Act.**

**Respondents who had violated the Fair Housing Act in the previous 5 years could be fined a maximum of \$54,157.**

**And, respondents who has violated the Act two or more times in the previous 7 years could be fined a maximum of \$108,315**

**These civil penalty amounts are in addition to actual damages and attorney's fees and costs that may be awarded to someone who has experienced housing discrimination.**

## Quiz for Fair Housings 6 Hour Class

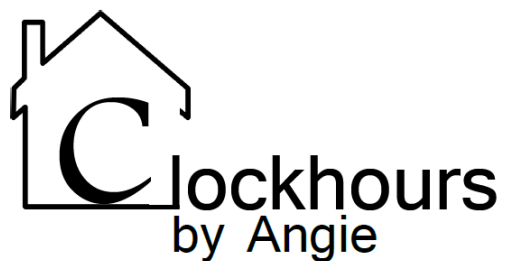
1	The beginning of the housing discrimination first started in the colonials.	True	False
2	The Civil Rights Act of 1866 was the first United States law defining citizenship.	True	False
3	In 1962 President Kennedy signed the order Equal Opportunity Housing.	True	False
4	Dr. Martin Luther King Jr. was assassinated on April 4, 1968	True	False
5	Dr. Martin Luther King Jr. name was associated with fair housing	True	False
6	Senator Edward Brook was the first African American to be elected to Senate	True	False
7	There are four types of racism.	True	False
8	There is no difference between direct or indirect discrimination.	True	False
9	De facto segregation is the separation of people that occurs by fact	True	False
10	De jure segregation is the separation by legally imposed requirements	True	False
11	Exurbs is a usually prosperous district beyond the suburbs.	True	False
12	Federally, we have 7 protected classes.	True	False
13	Washington State has 15 protected classes	True	False
14	Washington State is the only state that has Obesity as a protected class	True	False
15	Race and ethnicity are used to categorize certain sections of the population	True	False
16	Race is usually associated with biology and linked with physical characteristics.	True	False
17	There are only 10 categories of "race" on forms	True	False
18	The U.S. Census Bureau has a guide to help individuals identify w/ nationalities	True	False
19	Gender expression does not correspond to assigned sex at birth or gender ID.	True	False
20	1/20/21 Pres Biden issued an order on gender identity or sexual orientation	True	False
21	The Americans with Disabilities Act is also known as ADA.	True	False
22	In 1973, WLADAS was amended to prohibit discrimination on marital status.	True	False
23	There is a difference between service animals and companion animals.	True	False
24	Gender pronouns are the terms people choose to refer to themselves.	True	False
25	Language barriers can be huge communication problems	True	False
26	Sellers should not legally choose one buyer over another based-on classes.	True	False
27	Some offers are presented with "Love letters".	True	False
28	Blockbusting can be legal if done correctly.	True	False
29	Redlining started in early 1930's by lending institutions.	True	False
30	Steering is the practice of influencing a buyer's choice of communities.	True	False
31	Fair Housing has a suggested list of prohibited words.	True	False
32	There are many financial assistance programs available.	True	False
33	Many "racially slurred" covenants still exist in our records, unenforceable.	True	False
34	In 1866, the Civil Rights act guaranteed property rights to all, regardless of race.	True	False
35	Washington State legislators passes measure voiding restrictive covenants 1969.	True	False
36	In 1974 Congress prohibits creditors discrimination based on sex/ marital status WLAD stands for Washington Law Against Discrimination.	True	False

<b>37</b>	Post-Traumatic Stress Disorder (PTSD) is a common disability with Veterans.	<b>True</b>	<b>False</b>
<b>38</b>	It is illegal to refuse service because of a person's marital status.	<b>True</b>	<b>False</b>

**I hereby attest that I have read the material and answered the questions.**

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_



## Mandatory Evaluation for FAIR HOUSING

Please fill out the following form and return with your completed clock hour class quiz.

Name/ Company: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: (personal) \_\_\_\_\_ (work) \_\_\_\_\_

Email: \_\_\_\_\_

License Renewal Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1. What are 3 things that you learned from this course?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

2. Do you feel the clock hour material was easy to follow? \_\_\_\_\_

3. Did the material give you information to help you in your profession? \_\_\_\_\_

4. Will the material help you with future transactions? \_\_\_\_\_

5. Why did you choose to take this course? Topic \_\_\_ Time \_\_\_ Cost \_\_\_ Ease \_\_\_ Other\_\_\_

6. How long did this class take you to complete? \_\_\_\_\_ (a "clock hour" is 50 minute)

**How will you pay for this correspondence class?**

\_\_\_\_\_ cash \_\_\_\_\_ check \_\_\_\_\_ debit/credit information needed:

Card number \_\_\_\_\_ exp date \_\_\_\_\_

3 digits on back \_\_\_\_\_ zip code of where bill is mailed \_\_\_\_\_