

# The Law

Civil Rights Act of 1866: The Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property.

Fair Housing Act: The [Fair Housing Act](#) declares a national policy of fair housing throughout the United States. The law makes illegal any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

Americans with Disabilities Act: Title III of the [Americans with Disabilities Act](#) prohibits discrimination against persons with disabilities in places of public accommodations and commercial facilities.

Equal Credit Opportunity Act: The Equal Credit Opportunity Act makes discrimination unlawful with respect to any aspect of a credit application on the basis of race, color, religion, national origin, sex, marital status, age or because all or part of the applicant's income derives from any public assistance program.

State and Local Laws: State and local laws often provide broader coverage and prohibit discrimination based on additional classes not covered by federal law.

## Responsibilities

The home seller, the home seeker, and the real estate professional all have rights and responsibilities under the law.

For the Home Seller: As a home seller or landlord you have a responsibility and a requirement under the law not to discriminate in the sale, rental and financing of property on the basis of race, color, religion, sex, handicap, familial status, or national origin. You cannot instruct the licensed broker or salesperson acting as your agent to convey for you any limitations in the sale or rental because the real estate professional is also bound by law not to discriminate. Under the law, a home seller or landlord cannot establish discriminatory terms or conditions in the purchase or rental; deny that housing is available, or advertise that the property is available only to persons of a certain race, color, religion, sex, handicap, familial status, or national origin.

For the Home Seeker: You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion,

sex, handicap, familial status, or national origin

This includes the right to expect:

- Housing in your price range made available to you without discrimination
- Equal professional service
- The opportunity to consider a broad range of housing choices
- No discriminatory limitations on communities or locations of housing
- No discrimination in the financing, appraising, or insuring of housing
- Reasonable accommodations in rules, practices and procedures for persons with disabilities
- Non-discriminatory terms and conditions for the sale, rental, financing, or insuring of a dwelling
- To be free from harassment or intimidation for exercising your fair housing rights.

For the Real Estate Professional: Agents in a real estate transaction are prohibited by law from discriminating on the basis of race, color, religion, sex, handicap, familial status, or national origin. A request from the home seller or landlord to act in a discriminatory manner in the sale, lease or rental cannot legally be fulfilled by the real estate professional.

## The REALTOR® Fair Housing Program

The National Association of REALTORS® has developed a Fair Housing Program to provide resources and guidance to REALTORS® in ensuring equal professional services for all people. The term REALTOR® identifies a licensed professional in real estate who is a member of the National Association of REALTORS®. Not all licensed real estate brokers and salespersons are members of the National Association, and only those who are may identify themselves as REALTORS®. They conduct their business and activities in accordance with a strict Code of Ethics.

The Code of Ethics: [Article 10](#) of the National Association of REALTORS® Code of Ethics provides that, "REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be

parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity."


A REALTOR® pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations upon REALTORS® and is also a firm statement of support for equal opportunity in housing.

Please note: On November 13, 2020, NAR's Board of Directors strengthened REALTORS®' commitment to upholding fair housing ideals, approving a series of recommendations from NAR's Professional Standards Committee that extend the application of [Article 10 of the Code of Ethics](#) to discriminatory speech and conduct outside of members' real estate practices.

Article 10 prohibits REALTORS® from discriminating on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity in the provision of professional services and in employment practices. The Board approved a new Standard of Practice under the Article, 10-5, that states, "REALTORS® must not use harassing speech, hate speech, epithets, or slurs" against members of those protected classes.

## If You Suspect Discrimination

Call the Local Board of REALTORS®: [Local Boards of REALTORS®](#) will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards of REALTORS® have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

Call the U.S. Department of Housing and Urban Development: Complaints alleging discrimination in housing may be filed with the nearest office of the United States Department of [Housing and Urban Development \(HUD\)](#) or by contacting them at <http://www.hud.gov> .