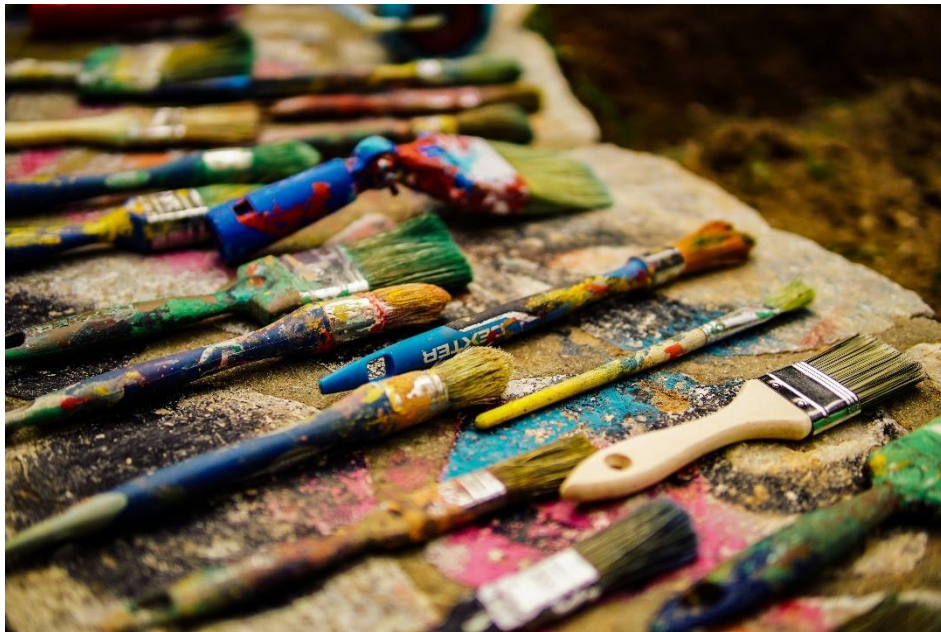


# Washington Fair Housing Class

*Required 3 Clockhour Class*



**We are all different! Yet, we are all the same!**  
**Federal, State and local Anti-Discrimination laws**  
by  
**Natalie Danielson**



# 3 hour Fair Housing

1. You will be provided with the class material. The booklet is the property of Professional Direction and cannot be used for any reason other than taking these clockhours. The curriculum was developed by the WA State Department of Licensing.
2. The course has been divided up into sessions. In Washington State a “clock hour” is 50 minutes. There are questions about each section. They can be answered while reading the material, at the end of the session, or at the end.
3. **Answer** questions on the quiz answer sheet. Print it out and complete with a pen.
4. If you have questions regarding the material, don’t hesitate to email Natalie Danielson.
5. **Email Answer Sheet and Evaluation** with Tuition.
6. The certificate will be emailed ASAP within receipt of Quiz and Evaluation.

Disclaimer.. the course materials and questions are not to be used for legal advice. Information can change over time. Real estate transactions are handled different ways in different regions in the State of Washington. If you have any comments or concerns about the material contact Professional Direction.

Thanks!

*Natalie Danielson*

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# *Fair Housing Class*

*3 clockhours*

**We are all different! Yet, we are all the same!**  
**Federal, State and local Anti-Discrimination laws**  
**Make Fair Housing a Right**

## **Introduction**

Just as there are no two snowflakes, grains of sand or leaves... so are we all unique. It is our responsibility in the real estate industry to enforce the Fair Housing and Anti-discrimination laws so that any person, regardless of their uniqueness, can have the right to housing. We are all different.... Yet... We are all the same! We all deserve rights to housing.

This course is required for all licensees in Washington State for their renewal between June 2024 and June 2026. If you have taken the 6 hour class in your last renewal.... Then you must take this 3 hour class for the renewal after June 2024 according to real estate license law. You will take the 3 hour class every renewal like the Core Class.

The purpose of this course is to introduce real estate brokers and managing brokers to the Federal Fair Housing Act and the Washington Law Against Discrimination as they relate to real estate transactions.

The course covers 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 courses.

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

- Historical and Societal Context (30 minutes)
- Legal Framework (60 minutes)
- Role of the Broker and Managing Broker (90 minutes)

## **Course Objectives**

As a result of taking this class the agent shall be able to:

Understand the basic history of Fair Housing

- Understand the basic history of Fair Housing
- Be able to identify the protected classes under Federal ,Washington State and Local laws
- 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.

# *Fair Housing Class*

## Curriculum

Session/Hours	Topics	Method of instruction
30 minutes	Historical and Societal Context	Read material/discussion
60 minutes	Legal Framework	Read material/discussion
90 minutes	Role of the Broker and Managing Broker	Read material/discussion

# Civil Rights for all People in a Real Estate Transaction

The Fair Housing Act is a federal law. In Washington State we have Anti-Discrimination laws. In your city and county, laws are created to help make real property available to all regardless of their protected class. As a real estate broker, you are bound by the Federal, State, and local fair housing and anti-discrimination laws.

- ***Treat all others in our industry whether they are buyers or sellers... whether they are landlords or tenants... whether they are staff in the office... or prospects for a real estate transaction... in a fair and equitable way.***
- ***It has been over 150 years since the federal government wrote and enforced laws to prevent housing discrimination! Yet, even today, there are people that experience discrimination. Over the years, protected classes have been better defined and given more people protection from discrimination.***
- ***Real estate license law requires that ALL real estate licensees adhere to fair housing and anti-discrimination laws.***
- ***Real estate agents have made decisions to violate those laws. Often it can be to give their buyer or seller an advantage, because of an uneducated opinion rendered about a client, or a belief that one buyer or tenant over another would be “better” for the seller, property, or the neighborhood.***
- ***The prospects and clients that real estate agents choose to represent have their own personal bias. If the real estate agent knows that decisions regarding any transaction may be swayed because of discrimination from the client, the agent cannot participate in any part of the transaction.***
- ***The discrimination laws in Washington state include all real property transactions including homes, property, property management, business opportunities, and commercial.***
- ***Our responsibility as real estate brokers is to open the door to any buyer or tenant and give people the right to buy, sell and rent to anyone without any decision factor based on the person’s background.***

This class is designed to give you an overview of the laws and how brokers must work within these laws to make housing available to everyone regardless of their background or characteristics or our own bias.

Natalie Danielson, Professional Direction, is the author who wrote this class based on the required outline from the Washington State Department of Licensing.

It is my attempt to look for understanding about discrimination and how it, along with implicit bias, affects our decisions. Discrimination is prevalent in our state, but in most cases, it is not out in the open. It can be behind closed doors while negotiating an offer or a discussion about “those” sellers. In some cases, licensees don’t even realize that their conduct might be a violation of the laws. My hope is that you will have a better understanding of the laws and help make housing available to more people that have been discriminated against in the past.

To the best of my ability, I tried not to offend anyone and use some of my own examples and stories. I do love French people, Seattleites, and Blondes!

If you feel that I may have offended you, know that it is not my intent. Feel free to contact me by email.

Thank you so much for taking this class. I hope that you will go check out the dozens of other courses that I have written.

Sincerely, **Natalie Danielson**

Clockhours@gmail.com

# What is Discrimination and Bias?

Discrimination is the **unjust or prejudicial treatment of different categories of people**. It can include treating people differently because of their background or perceived background, including, but not limited to, looks, conduct, beliefs, disabilities, when they all should be treated fairly and equitably.

Discrimination can be **defined as acts, practices, or policies that wrongly impose a disadvantage or deprivation on persons** based on how someone perceives them in a category of people.

Discrimination **can be obvious and direct**. A person can be treated less favorably than another in words, actions, or policies. Indirect discrimination can occur when there are policies which apply to everyone in the same way but, have a worse effect on some people more than others.

**A person does not need to be actually harmed in order to be discriminated against**. Some conduct, words, policies, and treatment does not treat everyone fairly.

**We all discriminate**. We discriminate between the taste of different types of curry in our food or how a Chevrolet compares to a Ford car. We compare and evaluate.

When we discriminate between people evaluating and judging them because of who they are, what they look like, what they believe to be true, or some aspect of their background and then treat them in an unfair manner, discrimination becomes illegal.

We cannot show a

Limitation

Preference

Discrimination

Disparate treatment

Because of our bias towards or against other people. Everyone should be treated equally.

All of us grow up in a unique situation, live in different towns and countries, and have individual experiences. We all have discriminatory tendencies that can be positive or negative.

**We all have implicit bias for or against others**. We need to recognize it and not let it affect our decisions for people in housing.

## Section 1

# History of Fair Housing

Not surprisingly, 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 was mainly intended, in the wake of the American Civil War, to protect the civil rights of persons of African descent born in or brought to the United States.

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 condition of slavery or involuntary servitude." The Civil Rights Act of 1866 also said that any citizen has the same right that a white citizen to make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. Additionally, the act guaranteed to all citizens the "full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and ... like punishment, pains, and penalties..."

This is still used in the courts because it guarantees that any citizen has the right to own property. It does not distinguish only housing.

The Plessy v. Ferguson case was a landmark 1896 one in our country taking the case to the courts. The U.S. Supreme Court decision upheld the constitutionality of racial segregation under the "separate but equal" doctrine. The case stemmed from an 1892 incident in which African American train passenger, Homer Plessy, refused to sit in a car for Black people. The court made segregation legal.

*It took almost 60 years for the courts to reverse the decision.*

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 1954, the U.S. Supreme Court rendered its landmark decision in Brown v. Board of Education, reversing the "separate but equal" decision in Plessy. The Brown case outlawed segregation in schools and marked the beginning of the end of the era of legalized segregation.

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. It had limited impact on the housing market as it focused on the Federal Government housing programs.

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.

# Do you Remember 1968?

Historians look at the 1968 as a turning point in US history. It was a tumultuous year in our country.

- 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 watch it on television and newspapers?
- Did you experience discrimination?

News during that time was primarily broadcast on NBC with the Huntley-Brinkley report and Walter Cronkite on CBC. In contrast, the prime time shows consisted of Bonanza, Here's Lucy, Laugh-in, Julia (first series starring an African-American woman in a non-stereotypical role as a widowed single mom), and Beverly Hillbillies to name a few of the top ten. Television was now broadcast into many homes in color.

Probably a third of the brokers taking this 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 like they could make a difference.

In some cases, older adults in 1968 didn't know better. They had grown up in a culture where discrimination was prevalent. Many of them over the years watched our culture change and doors open. Others might have felt that it was negatively impacting them. It was a tumultuous time.

Our youngest real estate licensees who read about 1968 in a history book might watch the news today and not realize the news of the past included fears of a continued Vietnam war, a possible nuclear war, a difficult political climate, and turmoil in the country.

*I met a young couple in their 30's when at the musical play "Hair" in 2021 in California. I asked them if they have ever seen or met a "hippie?" They said that they read about hippies in their history book. I'm a baby-boomer with hippies in my family so I have a totally different experience and perception when I hear the term, "hippie." The common definition of a hippie is a young person who rejects the norms of established society by dressing unconventionally or favoring communal living and advocates a nonviolent ethic broadly. They were identified by long hair, colorful clothes, and professing freedom. Some thought they were young people that smoked pot and did drugs. Any definition of a hippie is a loose one. A discussion of what was a "hippie" could go on for hours with people of different ages and backgrounds.*

*My experience with "hippies" is different from someone reading about them in a history book. I had a brother and sister who were both considered hippies. Our father was a Navy Captain who could not understand hippies at home or on television.*

Our own connection with history lends to our perspective to the events of today.



# Notable Events in US History during 1968

Chaos seemed to come around every corner during 1968. The Vietnam War was the first war that had cameras recording the events for families on the news every night. The Soviet army invaded and occupied Czechoslovakia reinstating Communism. North Korea captured a US surveillance ship. The US was fully engaged in the Vietnam War and protests across the country led by student activism. Senator Robert F. Kennedy was shot on the night he won the California State primary election. The Democratic National convention in Chicago was the center of protest and violence like the country had never seen putting the Yippies, Students for a Democratic Society (SDS) and the Black Panthers on the news battling police. At the Olympics, two runners were thrown off the Olympic team due to their salute to Black Power protest against racial discrimination.

And there was the Vietnam war which was extremely controversial. It was on the televisions across the country every night. Sons and fathers and brothers were dying. So many believed that the US should not have been in the war dividing the country.

Rev. Martin Luther King, Jr. was assassinated on April 4, 1968. It was an historic moment in our country. He was faced with death threats for over a decade as he fought for civil rights. His funeral was one of the largest for a private citizen in the US. Afterwards, there were riots across the country. The anti-war movement and civil rights were the reason for protests that in many cases turned violent.

During the midst of the unrest, President Lydon Johnson signed the Civil Rights Act of 1968 as a memorial to Dr. King's life work and wished to have the Federal Fair Housing Act passed prior to his funeral.

## Buyer Sues for Discrimination

In June 1968, the U.S. Supreme Court rendered its decision in a landmark case, Jones v. Alfred H. Mayer Co., to ban private parties from engaging in discriminatory housing policies.

Joseph Lee Jones, a black man, charged that a real estate company refused to sell him a home in a particular neighborhood due to his race. The refusal violated the provision of the Civil Rights Act of 1866 federal statute that all citizens shall have the same right as is enjoyed by white citizens to purchase and lease real property. This applies to government and private discrimination.

The court was empowered to eliminate racial barriers as they constituted "badges and incidents of slavery." Black citizens were continued to be oppressed by the "relic of slavery and a badge of inferiority and they had the national right of freedom. For 100 years, society was not facing the unspoken truth of discrimination. Thus, the 1866 Act was given new life and could be used to fight racial discrimination.

## Fair Housing Signed into Law in 1968

The year 1968 is considered the birth of modern fair housing. In April 1968, Congress enacted the Fair Housing Act (Title VIII of the Civil Rights Act of 1968). This Act banned discrimination in most types of housing transactions on the basis of: **race, color, religion, and national origin.**

The Act also contains a variety of remedies to attack housing discrimination, including private discrimination. The Fair Housing Act outlaws a variety of private discriminatory acts, including refusal to rent or sell, discrimination in the terms of sale or rental, blockbusting, and discrimination in advertising and in the use of real estate services.

## Section 2

# Federal and State Anti-Discrimination Laws

## Federal Laws Create Protected Classes

In 1968 the Federal Fair Housing Act was created to make sure that housing was available to all people in protected classes. The original protected classes includes race, color, religion, sex and national origin. Over the years these protected classes have been amended and better defined.

### Fair Housing Amendments Act adds Protected Classes and Enforcement

In 1974, the Fair Housing Act was expanded to **include prohibition of gender discrimination, and Section 8 programs.** On September 13, 1988, former President Ronald Reagan signed the Fair Housing Amendments Act of 1988 to expand the coverage of the Fair Housing Act and to enhance enforcement of the act. The amendment made major changes to Title VIII, including adding two protected classes to the Fair Housing Act: **families with children and handicapped persons.**

The Amendment also modified the administrative process for complaints, and provides that HUD has a higher degree of authority to enforce the Fair Housing Act. The Amendment removed the cap on punitive damages and increased the available damages and civil penalties.

The Amendment also extends Title VIII to other discriminatory practices, relating to real estate loans for repairs and improvements, certain secondary market activities, and real estate appraisals.

### 2020 Order adds Sexual Orientation and Gender Identity

On June 15, 2020, the Supreme Court issued a decision in *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020), which held that Title VII's prohibition against sex discrimination includes sexual orientation and gender identity.

In these cases, an employer allegedly fired a long-time employee simply for being homosexual or transgender.

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

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

The court found that an employer violates Title VII when it intentionally fires an individual employee based in part on sex. It makes no difference if other factors besides the plaintiff's sex contributed to the decision or that the employer treated women as a group the same when compared to men as a group. A statutory violation occurs if an employer intentionally relies in part on an individual employee's sex when deciding to discharge the employee. Because

discrimination on the basis of homosexuality or transgender status requires an employer to intentionally treat individual employees differently because of their sex, an employer who intentionally penalizes an employee for being homosexual or transgender also violates Title VII.

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

## **Federal Equal Credit Opportunity Act Passed**

Congress passed the Equal Credit Opportunity Act in 1974, which prohibited credit discrimination in housing on the basis of race, color, religion, national origin, gender or marital status, and age.

In the 1970's, various federal legislation was enacted to prohibit discrimination in federal programs, and to include additional protected classes. Congress enacted Section 504 of the Rehabilitation Act of 1973, prohibiting discrimination against handicapped persons in all federally assisted programs, including housing. Later, Congress enacted the Age Discrimination Act of 1975, which prohibited discrimination on the basis of age in programs receiving federal financial assistance. In 1980, President Carter expanded Kennedy's executive order to include gender-based discrimination, and to grant HUD additional authority to issue regulations to further fair housing in federal programs.

After the enactment of the Fair Housing Act, the U.S. Supreme Court rendered several important decisions favorable to attacking housing discrimination. In 1972, the Court held in *Trafficante v. Metropolitan Life Insurance Co.* that the Fair Housing Act should be broadly construed, and that HUD's interpretation of the act should be given great weight. As a tremendous practical importance, the Court also upheld the right of housing organizations and other residents to sue persons or municipalities that violated the Fair Housing Act. In 1982, the Court rendered an important decision entitled *Havens Realty Corp. v. Coleman*, which permitted housing organizations and "testers" to sue in racial steering cases. These court cases enable private and public organizations to investigate fair housing violations and to file actions for civil penalties and damages.

## **What is a Protected Class?**

*Who is a protected class?*

*Are you a member of a protected class?*

*Do protected classes only include "minorities?"*

*Do protected classes get advantages over other people?*

*Is it "fair" that there are protected classes?*

*Why did laws get written for protected classes?*

*Have YOU ever felt discriminated against?*

Every single person falls under these laws! That includes YOU... No matter what you believe or look like in the mirror you are protected under the laws. Whether you are a US citizen or not. Whether you are white, tall, slow, funny, religious, etc. If you were not given the same rights to buy, sell, or rent property because of something that defines YOU, then you may have felt discriminated against.

# Federal Protected Classes and Discrimination Examples

The following list includes the criteria that the Federal Fair Housing Law is based upon. It is illegal to discriminate against a person who is considered in one of the protected classes or meets these criteria.

1. Race
2. Color
3. Religion
4. Sex including LGBTQ
5. National Origin
6. Familial Status
7. Handicap

## Race or Ethnicity

A person's race may not be obvious and encompass a mixture of native backgrounds including, but not limited to: African American or Black, Alaska Native, American Indian or Native American, Asian, Native Hawaiian, Pacific Islander, and White or Caucasian. Race refers to individuals sharing some physical characteristics and some commonalities of culture and history.

Ethnicity refers to markers acquired from a social group with which one shares cultural, traditional, and familial bonds such as a person being of Hispanic origin which could include people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

### *Examples of discrimination:*

- *Steering a person towards a specific geographical area because of their race.*
- *Making comments about a tenant's appearance which could include their hairstyle.*
- *Utilizing marketing materials that target one race over another*
- *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; that is, whether a person's skin is light or dark. Color discrimination can involve someone of a different race or the same race. Color discrimination may be closely related to race discrimination.

### *Examples of Discrimination*

- *Choosing to rent to a light-skinned African American but not those of darker skin.*

## Religion or Creed

The Fair Housing Act prohibits housing providers from treating renters or homebuyers differently because of their religion. Religion includes, but is not limited to, traditional, organized religious such as Christianity, Judaism, Islam, Hinduism, Sikhism, Baha'i, Taoism, Confucianism, Buddhism, and other beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people. People who do NOT practice any religion or seem illogical or unreasonable are also protected under the law.

It is a violation of the law to base decisions on people because they wear religious clothing or engage in religious practices and rituals, have symbols in their home.

### *Examples of discrimination*

- *Referring or describing a person who wears religious based garments.*
- *Asking about the religious beliefs of a person.*
- *Steering a person to a neighborhood near a place of worship assuming that they want that.*
- *Denying an application due to the religion of an applicant.*

## 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.

In 2021 the Federal Fair Housing act extended protections under the protected class of "sex" to include sexual orientation and gender identity including all the examples in the previous paragraph.

### *Examples of discrimination*

- *Commenting on the gender that a person expresses.*
- *Engaging in a hostile environment due to sexual harassment.*
- *Enforcing policies that negatively impact domestic violence survivors*
- *Applying different terms or conditions to people with different sexual orientation or expression.*

Examples of housing discrimination because of sex, which includes actual or perceived gender identity and sexual orientation:

- *A broker refuses to show houses listed for sale to a potential buyer because the buyer is transgender.*
- *A housing provider refuses to rent a house to a same sex couple because of their "family composition," which is comprised of two individuals of the same sex, rather than two individuals of the opposite sex.*
- *A maintenance worker employed by a housing provider subjects a female tenant to pervasive harassment because she is a lesbian. Additional discrimination occurs when the tenant reports the harassment to the housing provider who fails to take any action to stop the harassment.*
- *A tenant is evicted after the housing provider discovers the tenant has dated persons of the same sex and identifies as bisexual.*
- *A same-sex couple asks a realtor to see rental units throughout the city but is only shown rental units in a part of the city known for having many LGBTQ residents.*
- *A building manager refuses to authorize repairs to a tenant's unit after observing the tenant's teenage daughter holding hands with her girlfriend. The manager explained that he does not agree with the teenager's "homosexual lifestyle" and that the tenant will need to make the repairs himself.*
- *The leasing manager at a 55+ community rejected a male tenant's request to add his same-sex partner to his lease stating, in writing, that the community only accepts married couples in unions between "one man and one woman."*

*Examples of housing discrimination against persons identifying as LGBTQ may also occur because of, or in addition to, other characteristics protected by the Fair Housing Act, e.g., race, national origin, color, religion, disability and familial status:*

- *It is unlawful for a landlord or housing provider of a covered dwelling to deny housing because of actual or perceived HIV/AIDS status.*
- *A housing provider may not refuse to rent to an otherwise qualified LGBTQ family with children under age 18.*

## National Origin

A person's birthplace or ancestry would be considered their national origin. It is a violation to treat people unfavorably because they are from a particular country or part of the world, have a certain ethnicity, language or accent, if they are married or associate with someone from another country, or if they appear to be of a certain ethnic background. This includes immigrants and refugees who are protected whether they are citizens or not.

Under the Washington Law on Discrimination (WLAD), U.S. citizens, noncitizen nationals, asylees, refugees, and recent permanent residents are protected from discrimination in housing.

*Examples of Discrimination include:*

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

## **Familial Status**

Familial Status prohibits discrimination against a person because they have children. Parents, legal guardians, and those in the process of obtaining custody of children under the age of 18. This group also includes pregnant women. "Adults only" complexes are forbidden unless they qualify as "housing for older persons." A complex cannot just decide to be for seniors only. They must qualify.

According to regulations, property owners may not establish dual purpose facilities where certain sections of a housing complex are for adults only and other sections for families with children.

*EXAMPLE: John will rent his apartments on the first floor to families but, the apartments on the second floor he will only rent to adults. His reason is that the children might hurt themselves on the balcony.*

## **WA Real Estate Firm settles out of Court**

In May of 2004 a young woman said she encountered discrimination when she tried to buy a house in Tacoma ... not because of her skin color, age, religion or ethnicity. She was discriminated against because she is single and a woman. She made an offer on a lovely two story house in Tacoma. "It was my dream house. A house that I wanted to purchase to raise a family," she said.

The asking price was \$196,000. She offered \$199,000 and was pre-approved for the mortgage. The listing broker said, "Your deal was a better one, but they decided to go with the other deal just because it was a married couple and they felt they would be a little more stable.... They were a bit nervous about it being a single woman trying to buy the house and they were just concerned it would come down to financing and something could possibly go wrong." In a short time it hit the news when she started contacting people. In no time, the large real estate company settled before court and the news of this started disappearing.

It was discriminatory. The Federal Fair Housing act clearly states that it is unlawful to discriminate based on sex and familial status. The charge of discrimination was covered by newspapers and television. The case was settled with the real estate company prior any court hearing. The listing broker of the house is liable under federal, state and local Fair Housing and anti-discrimination laws. The buyers have the right to purchase property regardless of their background.

## **Senior Housing**

The Federal law specifically authorizes the exclusion of children from "housing for older persons," notwithstanding the prohibition of discrimination against families with children.

- Housing designed to accommodate the needs of senior citizens under a state or federal program.
- Housing occupied solely by persons sixty-two years or older or...
- Housing where 80% of the units are (at all times) occupied by at least one person fifty-five years or older per unit, (note... occupied and not owned) and...
- The development is intended for, and marketed as, "housing for older persons" and it provides significant facilities and services specifically designed to meet physical or social needs of older persons.

## Disability or Handicap

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related activities based on disability, among other protected classes. Generally, the Fair Housing Act applies to a broad range of persons and entities, including public housing agencies, property owners, landlords, housing managers, real estate agents, brokerage service agencies, and banks.

Handicap covers persons that have a physical disability or mental impairment that substantially limits one or more major life activities. This includes people suffering from chronic alcoholism, mental illness, or AIDS. It doesn't cover those that are a danger to others or those using illegal drugs.

Sometimes people that are considered "handicapped" don't look like they have a disability! Who are you to judge? "Oh... that person looks fine and they must be using disability as an excuse," is a judgment call.

People spend their days doing the best that they can. The person with a disability might have cancer, poor eyesight, difficulties walking because of deformed foot hidden by shoes, hearing loss, or any number of challenges.

It is illegal to ask a person if they are disabled, what hinders their ability, if they are under the care of a doctor, or any other similar questions. You can ask if they have any requested accommodation.

The Fair Housing Act prohibits a broad range of discriminatory activities and statements. In addition, persons and entities covered by the Fair Housing Act may not coerce, intimidate, threaten or interfere with any individual's rights under Fair Housing Act. Persons and entities covered by the Fair Housing Act are prohibited from discriminating against applicants or residents because of their disability or the disability of anyone associated with them and from treating persons with disabilities less favorably than others because of their disability.

### **The Americans with Disabilities Act has the most inclusive definition of disability as:**

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 an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

A physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, PTSD, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism. It does not include current users of illegal controlled substances but does provide protections for individuals with drug or alcohol addiction.

## Americans with Disabilities Act

The Americans with Disabilities Act is a civil rights law that provides for individuals with disabilities to have equal access to public accommodations, jobs, public transportation, telecommunications, and government services. Title III of the ADA prohibits private entities that own, lease (to and from), and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. Public accommodations at housing developments include any public areas that are open to the general public, such as a rental office. Public accommodations would also include, for example, shelters and social service establishments.

*Examples of properties that must be accessible:*

- *Real estate offices open to the public must be accessible.*
- *Offices for real estate development open to the public must be accessible.*
- *Rental offices for apartment buildings must be accessible.*

# Washington Discrimination Law

Washington State Law in RCW 49.60 prohibits Washington Law Against Discrimination (WLAD) in employment, credit, and insurance transactions, in public resort accommodation or amusement and in real property transactions because of race, creed, color, national origin, sex, sexual orientation, marital status, age, immigrant status, or the presence or any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a disabled person.

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 word “handicap” was amended to read “disability.” Individuals with HIV or perceived HIV infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability. Landmark legislation was passed and became effective in 2006 making Sexual Orientation a protected class in this state. In addition, it is now legal for same sex couples to be married.

Freedom from discrimination includes, but is not limited to:

- The right to obtain employment.
- The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement.
- The right to engage in real estate transactions without discrimination, including discrimination against families with children. Families with children include a person who has a child (children) under 18 years old living with them. Parents, legal guardians, and those with written permission of parent or guardian are included. It also applies to any person who is pregnant or in the process of adoption or guardianship. Housing for seniors as in the Federal Fair Housing Act is exempt.
- The right to engage in credit transactions.
- The right to engage in insurance transactions with health maintenance organizations.
- The right to engage in commerce free from any discriminatory boycotts or blacklists.

The Washington State Human Rights Commission was created to administer the law. It is to formulate policies and make recommendations to government agencies.

## Requirements to comply with the Laws for those Disabled

In order to comply with fair practices with regard to the disabled:

- A person can, at their own expense make reasonable modifications of existing dwelling. A landlord may require tenant to restore the interior of the dwelling to the previous condition.
- To accommodate the disabled, exceptions need to be made to rules, policies, practices, or services.  
*EXAMPLE: A person cannot refuse to rent if there is a “no pets rule” to a person with a seeing-eye dog.*
- New dwellings must be designed in conformance with Federal Fair Housing amendments of 1988 making the accessible by persons with any disability. This includes accessible routs in building accessible light switches and controls. Reinforced bathroom walls to allow installation of grab bars and sufficient space in bathrooms and kitchens. It applies to multi-family housing with four or more units.



# Prohibiting Discrimination on basis of Racial Traits and Immigration

In June 2020, the Washington State Legislature expanded the anti-discrimination law to prohibit racial discrimination on the basis of hair and discrimination on the basis of citizenship status.

“Race” is inclusive of “traits” historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles.”

“Protective hairstyles” includes, but is not limited to, such hairstyles as afros, braids, locks, and twists.”

Note that the definition is not limited only to protective hairstyles “historically” associated with race — it also includes those hairstyles “perceived to be associated” with race. This acknowledges that many protective hairstyles have been worn by people of many races, but some are perceived to be associated with particular races. This likely also means that as hairstyles evolve over time, if a style is perceived to be associated with a particular race, then discrimination on the basis of that protective hairstyle will become illegal.

Note also that the definition is not strictly limited to hair texture and hairstyles, but also includes “traits” associated with race. This results in an expansive definition of the term “race” and means far more than hair texture and hairstyles are protected from racial discrimination.

## Protected Classes under Washington State Discrimination Law

### Age Discrimination

The federal Fair Housing Acts do not expressly ban discrimination based on age. Nevertheless, it is definitely forbidden under the broader prohibition against discrimination on the basis of familial status.

The Federal Fair Housing act includes exemptions for age when housing is specifically designated for older persons under the Older persons Act (HOPA) of 1995. This housing must meet the standards required and may operate as “Senior Housing.”

- 55+ communities: 20% of units occupied with at least one person 55 years or older. Exemptions on facilities and amenities may apply to minors.
- 61+ communities; Solely occupied by persons over the age of 61.

Some states have more restrictive senior housing requirements. Note: it is occupied not owned.

### Marital Status

Marital status is not a protected class itself in the Federal Fair Housing law.

HUD published a series of Equal Access rules effective in 2012 and again in 2015 to ensure that every person has equal access to specifically HUD *government* programs without being arbitrarily excluded due to marital status.

Marital status can be considered married, domestic partnership, single, divorced, or separated. In Washington state, same sex marriages are recognized.

In Washington State Marital status discrimination often occurs in rental housing, as property owners and managers often feel that a married couple is more stable than an unmarried couple or a group of roommates. A housing provider cannot prefer a married couple, or impose different criteria based on marital status. If a landlord normally places both spouses on a lease, then all roommates in a single household should also be placed on the lease. If a landlord requires a married couple to earn a combined three times the rent, then the landlord must apply this policy equally to a group of roommates. That is, roommates may only be required to earn a combined three times the rent.

Divorcing couples also must be treated the same as unmarried groups of persons should one of the spouses move from the property. A housing provider must treat the remaining spouse the same as the remaining roommates.

### *Examples of Discrimination*

- *Being told that it is against the religious beliefs of the landlord to rent to an unmarried couple.*
- *Evicting a tenant because they are separated.*
- *Charging a larger deposit for a single person.*

## **Veteran or Military Discharge**

Veteran status is not specifically protected under the Federal Fair Housing Act. But, there are two Federal laws prohibit discrimination in employment based on the status as a veteran or service member. Under the Reemployment Rights Act, veterans are protected from discrimination based on prior service in the uniformed services; current service in the uniformed services; or intent to join the uniformed services. This is regardless of whether your employer is a private employer, the Federal Government, a state government, or local government. Veterans may also be protected against discrimination under Federal law if you are an employee of a Federal contractor or subcontractor and meet the definition of a “protected veteran.” Additionally, under both laws, your employer is also prohibited from discriminating against you because of your attempt to enforce your rights or someone else’s rights. This means your employer may not take any adverse action against you because of your status as a veteran or service member or because you have attempted to enforce your rights, or someone else’s rights, as a veteran or service member.

Veterans are protected under the Washington Law Against Discrimination (WLAD), RCW 49.60, prohibits housing discrimination against individuals on the basis of military status or being an honorably discharged veteran. The Washington law has greater protections for veterans with disabilities as compared to the Federal ADA and Fair Housing. This includes people with traumatic brain injury, Post Traumatic Stress Disorder (PTSD) and depression/ anxiety.

The service members Civil relief Act requires landlords to release service members from a lease if they are required to transfer due to the military.

### *Examples of discrimination*

*Using ads that prohibit military persons from renting.*

*Making derogatory comments about a person’s military status*

*Setting rent differently for veterans.*

*A housing provider should not ask questions based on stereotypes, about political beliefs related to military service*

*Questions based on the assumption that service members have PTSD or other disabilities.*

*It is acceptable to offer military and veterans discounts when applying for housing.*

## **Families with Children**

The law specifically says this includes one of more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody. It also applies to any person who is pregnant or in the process of securing legal custody of any individual under age 18.

## **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. Note that his includes “traits to be associated with race” so that goes farther than just hair. National origin includes “ancestry.”

## **Guide Dog and Service Animal**

This includes a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability not for crime deterrent or just emotional support. The work performed by the service animal must be directly related to the individual’s disability. These can include, but are not limited to, assisting the blind, pulling a wheelchair, providing stability, retrieving items such as medicine.

# Protection under Seattle Fair Housing Laws

The city of Seattle has fair housing protections that include other groups in addition to the Federal and State laws. The protected classes in Seattle include:

- Alternative Sources of income.  
A prospective buyer might be turned down due to income that is used to qualify due to a government program.
- Political ideology  
A tenant wants to fly a political flag but the landlord will not allow it though other tenants fly different flags.
- Parental status  
A same sex couple have taken in a child as a foster child and are evicted.
- Use of a service animal  
Service animals are covered under disability.
- Military status of veteran  
A veteran cannot be turned down for housing because he is a veteran.
- Section 8 or other subsidy programs  
Tenants cannot be automatically turned down because they are on Section 8 program.

## *Examples of Discrimination*

- *Qualifying an applicant with only a few words on the phone which could be making assumptions. Asking if they are using government subsidy to qualify.*
- *Criteria must be fair and equitable for all applicants.*

## **Discrimination in Brokerage Services**

The Fair Housing Act provides that it is unlawful to discriminate in the provision of real estate brokerage services. Specifically, the Act prohibits the denial of any person, based upon a protected class, access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings. The Act also prohibits discrimination against any person in the terms or conditions of such access, membership or participation, if such discrimination is based upon race, color, religion, sex, handicap, familial status, or national origin.

*EXAMPLE:: Doug sends all his prospects that do not speak the English language clearly to other agents. He says that they can be better served by them.*

# Implicit Bias and Assumptions

Discrimination or bias affecting our decision making is not always conscious, explicit, or readily visible. It can be built into a person's belief system resulting in unfair behavior towards other people that should have the same protection. Sometimes it is obvious and blatant and other times it is hidden but just as destructive.

Our background and experience play a role in many of our decisions... especially when we pre-judge others. We might hear something or read news about people from another place or time. There might be some long-standing assumptions about groups of people. We might have personal experiences, either negative or positive, with others and make assumptions about people like "them."

Thoughts and feelings are "implicit" if we are unaware of them or mistaken about their nature. We have an attitude towards people or associate stereotypes with them without our conscious knowledge. These are generalizations that seem to perpetuate without any particular reason creating a "version" of the truth.

For example:

## **Are French people "rude?"**

For decades people say that French people are "rude." It is echoed in movies, on the internet and in general conversation. It is even discussed in travel guides. It is not usually highly negative and often said in jest. There are millions of French people around the world. They are all just as varied as people from any country. You cannot categorize an entire race of people.

## **Are Seattleites "frozen?"**

I have also heard about the "Seattle Freeze." It is widely held belief that it is hard to make friends in Seattle especially if you come from out of state. There have been studies trying to quantify the friendliness or lack of socializing of Seattleites, but they are not based on any facts. Asking someone's opinion can also perpetuate the myth.

## **Do Blondes Have More Fun?**

In the 1960's Clairol advertising on TV asks the question over and over, "Is it true? Do blondes have more fun?" Is there any "truth" to whether hair color will determine whether a person has more fun?

*EXAMPLE: My sister, who is a year younger than me, had long blonde hair. For the past 55 years when I see her, that old recording plays in my head. I must constantly remind myself that there isn't any "truth" to that stereotype. Maybe it is why I have so much fun in life... I am not going to let blondes have more fun than me!*

## **Implicit Bias can be Dangerous**

People have done the same thing in a highly negative way to impact people and their ability to be treated fairly without discrimination. Implicit bias that is absorbed from childhood or current news reports can impact the lives of people, for example, of color or race. Negative assumptions about them, for example, can cause people to rush to negative decisions. We have seen on the news how this continues.

In his book, "Blink," Malcom Gladwell acknowledges implicit biases. According to him, we are all shaped by them to some degree and often we are not conscious of their power. It does not mean that we will always act in a discriminatory manner, only that our first blink sends us certain information we learned and carry with us. Acknowledging and understanding this implicit response is particularly critical for decisions that embody fairness and justice. Gladwell took an Implicit Association Test. Despite being the son of a black mother and white father, Gladwell got a result of "moderately biased towards white people."

# Implicit Bias Affects Real Estate

Every person has a different set of beliefs about other types of people that can be negative or positive. This carries over to real estate brokers and managing brokers and their prospective clients. There is a whole list of ingredients in our brain soup that affect our decisions.

It is important in real estate to be aware of the bias we carry around in our brains and recognize them when they appear without warning or even in a conscious way.

*Examples of how implicit bias and assumptions play a role in real estate when showing or talking about a prospective client. People, including brokers, make assumptions about others different from themselves. Brokers might unconsciously have these assumptions that affect decisions without knowing it.*

- *They probably would not want to live in “that” neighborhood.*
- *This home is designed for a family and not a single gentleman.*
- *They are usually not successful running an independent business.*
- *They pretend to not understand English when they want.*

*EXAMPLE: When we sit with a couple looking to purchase a house, and we are told that one is a veteran, do we assume unconsciously that it is the male? If one of them is home with the kids and the other is the breadwinner, do we assume it is the wife? When people walk into an open house, do we judge their potential as home buyers by the car they parked in the driveway?*

**Systemic bias or Structural Bias** Can be defined as policies and practices that exist throughout a whole society or organization that result in and support a continued unfair advantage to some people and unfair or harmful treatment of others based on their background or looks, for example. The culture may have allowed privileges to some people and disadvantages to others over time. This can also happen, for example, when there is unfair treatment of people with health challenges.

*EXAMPLE: There are racial inequities and systemic bias that exists in our criminal justice system.*

*EXAMPLE: Over time, laws have been passed and cities have been creating accommodation for disabled.*

**Institutional bias** can be defined as policies, rules, and practices that are a usual part of the way an organization works, and that result in and support a continued unfair advantage to some people and unfair or harmful treatment of others based on race. Examples include:

*EXAMPLE: The lack of diversity in the company.*

*EXAMPLE: When hiring or firing practices disadvantage employees of color or background.*

**Internalized bias** involves both conscious and unconscious acceptance of a racial hierarchy in which some people are consistently ranked above others because of their background.

*EXAMPLE: Students of color might worry about what others might judge them by stereotypes and so they might try to look more “white.”*

*EXAMPLE: Women might wish that they were a man or use initials or a more masculine name so that they would be taken more seriously.*

**Interpersonal discrimination** has been defined as encounters between individuals in which one person acts in an adversely discriminatory way toward another person. Behaviors can be from hostility to decreased eye contact to snide remarks. Those who faced interpersonal discrimination had lower job performance.

*EXAMPLE: At work there might be someone who makes “jokes” that are not appropriate that stereotype persons that they think are not as capable based on their cultural background or their hair color..*

## **Confirmation Bias**

When there is a group of people or a whole community that seem to believe in a generalization about certain people that is not based on fact or a commonly held myth. A person in the community may believe it as a truth or not. But, when coming in contact with certain behavior or statements, a person in the community might see this is confirmation that the generalization about the group is a “truth” when it is not.

*EXAMPLE:* A person from Chicago waiting in the ferry line to go to Bainbridge Island encounters another who is rather “cold” and unfriendly. The Chicagoan finds out that they are from Seattle originally and thinks, “It is clearly evident there is a ‘Seattle Freeze.’”

*EXAMPLE:* You meet someone from Paris and they are rather cold or rude to you. The myth that “French people are rude” is confirmed by that one person you met.

**Direct discrimination** occurs when someone is treated unfavorably because of a protected characteristic or perceived characteristic. It can also happen when there is a connection to someone that has a particular characteristic.

*EXAMPLE:* An employer might hire a man who is less qualified over a woman who is more qualified for a position. This would be direct discrimination.

**Indirect discrimination** occurs when a practice or rule that appears to be neutral and the same for everyone, in fact, has the effect of disadvantaging a group of people who share a protected characteristic.

*EXAMPLE:* There might be a minimum height requirement for a job, but height is not relevant to performance. This would discriminate disproportionately against women and possibly some minority groups that might be shorter than the majority.

There have been over 200 different types of bias that are used consciously and unconsciously in the fields of employment, medical (diagnosis, treatment, and studies), education, customer service, political, and police enforcement.

We are also faced with our own bias and the bias of our clients and customers. It is important to recognize where bias might be affecting decisions in real estate.

## Section 2

# Prohibited Acts of Discrimination in Real Estate

It is a violation of Federal and/or Washington State discrimination laws whether acting for themselves or another to discriminate against a person because of the background or protected class of a person.

In Washington state the laws include all real property transactions not just those based on housing.

All kinds of discriminatory conduct, policies, activity, hiring, marketing, and decisions are made on a regular basis in the real estate industry. It can include behavior that is blatantly obvious, and decisions based on unconscious bias.

The federal and state laws have identified the most common categories where people are discriminated against. They are defined as “protected classes.”

***EVERY person is protected because everyone shares many of these common traits. We are all of some race, color, religion (or not), sexual preference, national origin, familial status and maybe disability. (the Federal protected classes.***

***IN Washington State the protected classes include:***

***Age, marital status (same sex marriage), veteran or military discharge, sexual orientation and immigration status***

***In Seattle, the protected class listing includes:***

***Alternative source of income, political ideology, parental status, age, service animal, military status, and government subsidy programs.***

***Minorities are NOT the only people protected under the discrimination laws.***

***All People are Protected!***

# Prohibited Practices in Real Estate

Under federal, state, and local laws a real estate licensee cannot:

- Refuse to sell or rent, or otherwise make unavailable, a property after receiving a bona fide offer, refuse to negotiate or transmit a bona fide offer, or fail to bring a property listing to their attention for the sale or rental or inspection of real property. **Everyone** can see and make an offer on property regardless of their background.
- Discriminate in the terms, conditions, privileges, or services of the sale or rental of real property or the furnishing of facilities or services in connection therewith. Everyone is to be treated the same .
- Make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of real property that indicates any preference, limitation, or discrimination. This advertising prohibition applies to private owners who may otherwise be exempt from the Act.

*EXAMPLE: In other words, even if you are looking for a roommate to share an apartment and want another woman, you cannot advertise that fact.*

- Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction.  
*EXAMPLE: If a seller expresses a preference or a limitation for or against persons due to a discrimination reason, the listing agent knowing this would be in violation of the laws for taking or retaining the listing.*

*EXAMPLE: The seller or landlord might say that they will only consider certain people or that they would not consider certain people when they list or sell.*

- Engage in blockbusting or steering practices.  
**Blockbusting** is when a broker or landlord pressures homeowners to sell because there might be a change to the characteristics of people moving into the neighborhood.  
**Steering** is when a broker influences a buyers choice of neighborhood based on a perceived trait of the buyers. Steering them to a community the broker “thinks” they would be more comfortable.
- Deny access to, or participation in a multiple listing service, brokers association or other organization to the business of selling or renting real property.
- For persons whose business includes engaging in the business of real property transaction, to discriminate in making available, or in the terms or conditions of, any residential real estate related transaction. This includes financing and/ or title insurance.
- Coerce, intimidate, threaten, or interfere with any person exercising a fair housing or discrimination issue or on account of a person having assisted others in exercising such rights.



# Language Barriers and Challenges

During the 2015-2016 school year, approximately 130,000 students were identified as eligible for Washington State's Transitional Bilingual Instructional Program. They spoke more than 220 languages. According to federal data, Seattle's 98118 zip code is home to speakers of 78 languages. More than any other zip code in the state..

Washington state has a very diverse population. Not only is there a large percentage of our clients who speak English as a second language, but we use a whole new vocabulary in this real estate profession. This can be the reason for some communication challenges in real estate transactions.

*Example: I was reminded of this when I was watching a band the other night sing the Los Lobos song, LaBamba. The singer introduced the song as his favorite since he was 4 years old in the bathtub. He proceeded to sing it with what he thought the lyrics were at that age. Is it a song about bathing in the tub or playing with mom and bubbles? Is it a song about love? What language are the lyrics written? Most of us have heard the song, and yet, most of us do not know the real lyrics. That evening the whole room was singing along with whatever they thought the lyrics were.*

*Here is a list of misunderstood lines I found online from the song sung in Spanish. We want to have fun and sing and fit in... but sometimes we just don't! We can just pretend we understand.*

*Fa la la la la la bamba (Para bailar La Bamba)*

*I call my mama La Bamba (Para bailar La Bamba)*

*Oh, pizza day, oh pizza day, oh pizza day (Pro ti sere, por ti sere, por ti sere)*

*So, it can't be done, it can't be done (Soy capitan, soy capitan)*

There are thousands of examples of misunderstood lyrics, and it seems most of them are in English. The entire message can be completely twisted or hidden behind what is being said. Communication can be difficult, especially in real estate transactions with legal topics and vocabulary along with the stress of the transaction.

In the real estate industry, we work with people who are from many other countries and communicate in a variety of languages. We can't overlook that there are people that can't speak or hear. No matter what language, cultural background, or disability, people have the right to be treated fairly in real estate.

As with other challenges customers might have, ask the clients if they want some accommodation to help them understand. Don't make assumptions! If they are speaking a specific language, it is inappropriate to refer them (push them) to another licensee who speaks that language. You can ask them if they would prefer that.

ASK clients and prospects how they would like help to bridge any communication gap. The forms and legal issues can be difficult to explain.

- Don't make assumptions that they do or don't understand. Ask them.
- You are using new vocabulary that is misunderstood by most clients.
- Listen and ask what you can help provide to bridge the gap.
- Provide materials, if possible, in another language.
- Treat all parties in a transaction fairly. If there are two signers, both should have understanding.
- Ask parties if they would like or need translation.
- Speak slowly.
- Check for understanding.
- Be patient.
- Avoid metaphors and jargon.
- Use an app on your phone to translate phrases or words to connect.

# The Importance of Pronouns

Gendered language is deeply embedded in the way we communicate. It is so ingrained that we often don't notice when it's used. It includes words used to describe a person, most apparently by the pronouns we use for people when we are talking about them, but not directly to them. Pronouns are used to describe people or things without having to use their name or identify them by sex.

It is not always possible to accurately determine a person's gender or gender identity by appearance or name. Different gender identities exist, and people use varied pronouns corresponding with their gender identity. This can often offend people who do not identify with the pronoun used to identify them. People can perceive that you aren't recognizing who they are.

Gender pronouns are a small part of a person's gender expression. Not everyone fits into the categories we use as a basis to determine one's gender. Continually using the wrong pronoun intentionally can result in harmful impacts to that person, your relationship with them, and to the morale of your whole team.

For many people, it may seem insignificant to worry about pronouns if their gender identity is aligned with both their gender expression and society's traditional expectations around gender. Acknowledging how gender impacts our relationships and how we treat one another underscores the importance of using accurate language to honor people as their full selves and supports our efforts to question and interrogate systems of power.

The most commonly used gender pronouns include but are not limited to **she/her, he/him, and they/them**. The pronoun, they, has been used as a plural for a number of people. It is now being used as an alternative to she or he. Over time there may be other pronouns in common use. If it is not clear which set of pronouns someone uses and you anticipate working with this person, it's important to have this information moving forward. A simple way of learning someone's pronouns is to offer yours in your introduction along with asking for theirs. Sharing your pronouns when asking helps to avoid assumptions.

*EXAMPLE: A person says, "I went to the lender this morning and they told me my credit and income will qualify me to purchase that home." If it's unclear what pronouns someone uses, choose "they" pronouns until you know or simply refer to them by their name; "Helen was just here but Helen ended up leaving early."*

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

- Get to know people's names. I often repeat mine. "I'm Natalie... What was your first name, again?"
- Avoid assumptions. People can be sensitive about this.
- Make it a routine to ask others what pronouns they use and to share your own pronouns during introductions at meetings or when encountering someone for the first time.
- Add your pronouns to your email signature or business cards.
- When developing forms capturing personal or demographic information, provide an optional space to capture a person's pronouns for future reference.
- Normalize the acknowledgement and importance of using a person's correct pronouns.

Adapted from the Seattle Office of Civil Rights Nov 2021

# Choosing Buyers based on “Love Letters”

Whether using a poem, photo collage or a love letter, buyers are trying to “promote” their offers to the sellers. Especially when the market heats up and buyers may be competing with other offers that may even be higher, writing a personal letter to appeal emotionally to the sellers to accept the buyers offer is becoming more common.

***The “love letter “is an attempt to entice the seller into accepting an offer based on factors that have nothing to do with the purchase and sale agreement or the ability of a purchaser to close on the transaction.***

Laws proposed in Washington and Oregon have been written to stop the love letters but have not passed for a number of reasons. If the “love letters” result in harmful discrimination, there is a violation.

Though it may appear innocent enough, the love letters can encourage a seller to discriminate when choosing a buyer for their home. The seller and the real estate agents must not violate anti-discrimination laws.

***Homeowners selling their home cannot legally choose one buyer over another based on a protected class.***

Protected classes are NOT “minorities.” EVERY person falls under protected classes.

The sellers cannot freely “choose” the buyer. There are federal, state, and local discrimination laws. Washington laws cover the commercial and land transactions.

***The seller violates discrimination laws when they show a limitation, preference, discrimination, or disparate treatment when they choose a buyer for a property.***

Here are examples that could be challenged by a buyer who did not get the property. The real estate broker or managing broker must follow fair housing and anti-discrimination laws according to license law. A broker cannot just turn their head when negotiating transactions knowing that there is discrimination happening at the dining room table!

- A single man who wanted to buy a house within good commuting distance to work. He wrote about his dedication to work. The sellers told their agent that they preferred to sell only to a “family” because they thought their house was perfect for bringing up their own family. That would be showing a preference to selling to a family.
- Two women who exchanged vows in a same- sex marriage in Washington State. They identified that they are taking title as a married couple. Their letter included photos of their wedding. They lost out to a heterosexual couple because the sellers did not believe in same sex marriage because of their religion. That would be discrimination.

- A proud immigrant family has an accent and a name that is often mispronounced. Their letter emphasized their love of the house and the neighborhood. The sellers did not want to change the neighborhood by selling to an immigrant. That would be an example of discrimination.
- The buyers wrote a letter with photos of the family around their horse. The sellers who own acreage and horses chose them because they liked the family and they have a horse. The other offer did not have a photo of a family and their horses. Is that disparate treatment?
- The sellers are originally from France. They chose one offer because the buyers are also French. Their offer included French wine and a book of French poems. They turned down the higher offer from the other buyer because they are from Spain. That is showing a preference.

If a single woman, a gay couple with no kids, a man who will not have children, or a senior are bypassed because the seller goes with emotion and chooses the “family,” the seller would be discriminating against the other buyers who have just as much right to purchase the property.

Many times, the letters include photos of the family and their pooch. The sellers could be encouraged to discriminate based on race, color, religion, sex, national origin, familial status, or disability based on the photo or other protected classes.

Sometimes real estate agents believe that they have an obligation to obey the desires of the client. If that client is asking the agent to participate in or have knowledge of discriminatory conduct, the agent should not continue representing the client. The agent has NO OBLIGATION to continue the agency relationship of a seller who is intending to discriminate.

## **Flip the Story Over**

### **Who writes the love letters?**

Are the letters discriminatory? Why doesn't every home buyer share a “love letter” with the sellers? Who typically writes these letters? What information about the buyer is promoted in the letter?

Consider how often a real estate agent would encourage letters or photos from buyers that originate from another country, are disabled, have religious beliefs maybe shown by their garment, are LBGTQ, sit in a wheelchair, or are a different skin color from the sellers?

Consider... if they all would be treated equally and their “love letters” considered fairly! Does that happen?

### **Is there really a “perfect” Family?**

The sellers often think that they are protecting their neighborhood because one of the buyers looks “shady.” The family behind the “perfect love letter” has their share of problems. The husband could be abusive, the son could be a registered sex offender, the mom is a prescription drug addict and unstable, and the daughter likes to “shop” in neighbor's houses.

### **Is there a Requirement that love letters be Truthful?**

An old house is on acreage. A builder stops by an open house and overhears the seller telling a couple that they really want to sell to a family who would love the large yard for their children. The property is ripe for development. The builder goes home and writes an offer. Along with it, he writes a love letter about how he is going to remodel the house and he and his family really want a house on acreage to raise their children. The seller accepts his low offer believing the letter. A couple months later, the house is bulldozed and permits for a townhouse development are applied for.

### **Can the Buyers file a claim or lawsuit?**

Of course! Anyone can file a lawsuit. If the buyers that lost the property think or believe that they have been discriminated against, they have the right to file a case of discrimination. Anyone can file a case of discrimination. Then

the real estate agents and their clients are in a position to defend their actions. Basically, the agents and clients have to prove their innocence.

As a listing agent, if you pass a love letter on to the sellers, then you are giving them a reason to discriminate. You are put in a situation to have discussions about the people making the offers. It is a violation to discuss the background of the people who are making the offer. The sellers may not understand the laws. Real estate agents have a duty to understand the laws. Real estate licensees cannot claim “ignorance” when it comes to fair housing.

When a real estate licensee thinks that they did not discriminate, their opinion is NOT important. The person who feels that they have been discriminated against usually has a reason. For example, the lower offer bought the house. The real estate licensees and their clients would have to prove that their actions did not discriminate.

Brokers use the phrase in the Law of Agency that says they must deliver communication between the parties. But, in the Beauregard case, the client lost because the information that was not communicated was not a part of the transaction and the brokerage services. Most likely, passing a “love letter” would not be part of your brokerage services if the intent is to entice the seller to make a decision that would violate Fair Housing.

BUT, most cases and complaints are settled out of court with money. Your E&O insurance often settles because it is too costly to defend and the chance that a defense is successful is slim. A real estate licensee may think that they are “right” but that is not enough to prove that another person was not discriminated against.

It is important for real estate agents to know the laws. They need to instruct the sellers to

***“Choose the Paper .. not the People”***  
***when choosing a buyer for the property.***

## **Staging or Preparing Properties to Sell**

When a seller gets ready to list a home for sale, it is now a property on the market. It is not the same as when the seller resided there as “home.” 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 sell or not sell to. Professional stagers and sellers typically don’t understand the fair housing laws.

People of all races, sexual orientation, color, religions, familial status, military status, or cultural background, for example, will be previewing the property and possibly making an offer. Everyone has the right to purchase property regardless of their status under the discrimination laws.

*EXAMPLE: A builder with plats throughout the county hires a professional stager for the model homes. When staging a home in one neighborhood, they fill the house with family trinkets and photos depending on the neighborhood composition. If the home is in one area of town, the family photos in every room show a family from one particular country because, as the stager says, they typically will be recruited by a tech company. At the other end of town, the photos show a white family in basically the same model home. This could be a violation.*

*EXAMPLE: A black couple had their home appraised for a refinance. The appraisal seemed too low. They contacted a friend who staged their home differently without photos. The friend, who happened to be white, was at the home during a second appraisal company. The appraisal came in significantly higher than the first. The homeowners filed a lawsuit against the first appraisal company.*

# Advertising Properties for Sale or Rent

Most real estate agents know that advertising properties for sale cannot show any kind of discrimination. There are words that they cannot say in the listings that target or discourage prospects.

Where is the list of words? THERE IS NO LIST!. The fair housing and anti discrimination laws do not include a list of “forbidden” words! If a word in an advertisement shows a limitation, preference, disparate treatment or discrimination, it cannot be used to advertise property for sale or rent.

This would include photos. For example, a builder violates the law if the photos in the advertisements show only one type of prospective buyer.

## Discriminatory Provisions in Documents

There used to be restrictive covenants in deeds. In 1948 one of the first laws to stop discrimination in land use was found in *Shelley v. Kraemer*. The U.S. Supreme Court held that state court enforcement of a private racially restrictive covenant constituted a sufficient “government involvement” so as to violate the equal protection clause of the Fourteenth Amendment. Therefore, persons could not use the court system to enforce racial deed restrictions. The Washington state legislature found that some real property deeds and other written instruments contain discriminatory covenants and restrictions that are contrary to public policy and are void. If a written instrument contains a provision that is void by reason of discrimination, the owner, occupant, or tenant of the property may cause it to be stricken from the public records by bringing an action in superior court.

The Seattle civil rights and labor history project at the University of Washington has published historical segregation maps, and racial covenants location, and the current research being conducted to locate the racist deed restrictions that still exist. The results are expected in 2022-2023. They publish the restrictive covenant modification form to strike the language from deeds.

*EXAMPLE: Greer wanted to purchase a home in Real Plain Estates. But the CCR’s are specific that people that from his background cannot own property in that development. So, can Greer still buy the house? Yet, many deed restrictions remain on the books but they are not enforceable. If you come across one, contact your title company representative.*

## Steering people to or away from a Neighborhood

Buyers have the right to choose where they choose to live. It is not up to the real estate broker to steer a buyer to a neighborhood that might appear to match their personality or background. The broker cannot also steer them away from neighborhoods that the broker might think would not be a “good fit.” Never make assumptions about what the buyers would like or not. Ask the buyers to make a list of where they want to live, what they are looking for in amenities in the neighborhood, and what type of house they picture.

*EXAMPLE: Bruce and Julie are Jewish and are going to raise their kids in the Jewish faith. The real estate broker should ask where they want to live instead of assuming that they want to live within 3 miles of a Jewish temple.*

# Difficult Situations for Brokers involving Discrimination

When you work as a real estate broker, there can be times that a prospect may say or engage in conduct that is in violation of the discrimination laws. It can be a difficult situation.

Most importantly, a real estate broker should not ignore any comment or activity they are aware of that could show a limitation or a preference toward a potential buyer or tenant. Brokers have been heard to make comments that appear to align their marketing and negotiation with the seller's or landlord's bias. These comments would be a possible violation of the discrimination laws. The type of excuses that brokers use for working with clients that wish to discriminate could include ones similar to:

- The seller will change their mind once they see the offers. If they get a very high offer from one of "those people" they will realize that it is hard to turn down money and they will forget that they said that. So, the broker takes the listing.
- The landlord does not want families with more than one child, but it is a small house. The property manager takes the listing and, in the advertising, makes it clear that there is only one bedroom naming the other rooms differently to avoid dealing with a large family.
- The seller wants parents to raise their children in this neighborhood just like the seller did 30 years ago. The real estate broker assures that with the large size of the house and school nearby that the buyers will be a family.
- A commercial broker with a retail space available is told by the owner that they do not want any foreigners operating businesses in the properties he/she owns. "Just give them reasons to go away," he/she says. The broker lists the property for rent and tells other brokers to avoid showing to certain people.

The common reply by these brokers is that "no one would find out." But, if a lawsuit is filed, there will be depositions and discovery that will most likely reveal the seller or landlord bias. Note, in the prohibitions, these types of situations are listed as violations. You do not get a "free pass" because you represent the clients.

*EXAMPLE: It is a violation of the federal and state laws when you speed down the highway. You could be charged by the courts if you are given a ticket by a police officer. But, what if you do not get a ticket? Did you still violate the law?*

*It is the same for discrimination. Whether you are caught or not, you are still violating a law whether you are caught or not.*

The best practice is to choose to not work with a client who has expressed an intention to discrimination in the sale or renting of any property.

# Contemporary Issues related to Fair Housing

Between 1991 and 2013 the percentage of renter households in US dedicating under 30% of their income to housing costs fell from 54% to 43%. In 2013, 23% of black renting families and 25% of Hispanic renting families spent at least 50% of their income on housing according to Matthew Desmond, Harvard University.

The Seattle Office of Civil Rights tests a selection of apartment complexes for evidence of illegal discrimination. In 2014 the office tested 124 properties. Two-thirds failed, showing evidence of disparate and illegal treatment of prospective renters on the basis of race, national origins, gender or sexual orientation.

In 2015 the city filed 23 director's charges of illegal discrimination against property owners after a round of fair housing testing. It revealed that prospective renters experienced different treatment from Seattle landlords across three categories that were tested: familial status, disability and use of a Section 8 voucher. There were 2 charges under national origin and marital status.

Despite the passage of fair housing laws, policies such as redlining, the government's explicit refusal to insure mortgages for people of color over the years promote discrimination today. Local zoning rules obstructing affordable housing are questionable in counties in Washington state. In some cases, local governments have required private developers to build affordable housing in new projects.

In other states and cities there are a variety of protected classes. They exist because people have experienced discrimination and have fought to gain protection. Protected classes in other jurisdictions include some of the following: Personal appearance, military discharge, dishonorable military discharge, source of income, matriculation, etc.

Bottom line.... Do Not Discriminate. Every person has the right to purchase and lease property.



# Fair Housing and Discrimination Complaints

In Washington state there are two non profit offices that work with people who feel that they have experienced discrimination. They will evaluate the complaint and give consumers resources and help to determine the most effective way to handle the issue.

## Northwest Fair Housing Alliance

Northwest Fair Housing Alliance (NWFHA) is a non profit organization located Spokane working primarily with complaints in the eastern part of Washington. The mission of NWFHA is to eliminate housing discrimination and to ensure equal housing opportunity for the people of Washington State through education, counseling and advocacy.

As a civil rights organization they are dedicated to equity and justice for all people in the communities marginalized due to race, color, national origin, religion, gender, disability, familial status, marital status, military/ veteran status, sexual orientation, gender identity or expression, or socio-economic status.

NWFHA helps people file housing discrimination complaints with HUD and the Washington State Human Rights Commission and supports them through the process.

NFHA also assists people with disabilities request reasonable accommodations, or modifications with their housing provider. They also provide a list of resources for persons with complaints.

Phone: (509) 325-2665 1-800-200 FAIR (3247)

## Fair Housing Center of Washington

Our service area is western and central Washington, including Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Mason, Kitsap, Island, San Juan, Clallam, Jefferson, Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Yakima, Kittitas, and Chelan counties. Our partner organization, Northwest Fair Housing Alliance serves eastern Washington.

We can guide you to resources and provide services to resolve discrimination claims.

We work with a network of partners to advocate for access to fair housing choice for all protected classes. We are here for landlords and property managers to ensure they know their rights and responsibilities under fair housing law.

Our goal is to assure that residents of Washington State have the tools they need to report housing rights violations. If you feel you have been discriminated against, contact the Fair Housing Center to schedule an intake interview to determine your course of action.

There is a complaint form and packet available at their website [FHCWashington.org](http://FHCWashington.org)  
Or you can call (253) 274-9523.

# Washington State Human Rights Commission

Established in 1949 by the Washington State Legislature, the Washington State Human Rights Commission (WSHRC) is a state agency responsible for administering and enforcing the Washington Law Against Discrimination.

Any person claiming to be discriminated in Washington State must file a complaint with the Commission within 6 months after the alleged act of discrimination. If the complaint is alleging an unfair practice in a real estate transaction, it must be filed within one year after the alleged unfair practice in a real estate transaction has occurred or terminated. The Fair Housing Alliance and the Fair Housing Center work with people to help file complaints.

The Chairperson of the Commission refers the complaint to staff for investigation. The staff can endeavor to eliminate the unfair practice by conference, conciliation and persuasion, and if eliminated, the agreement can be reduced to writing. If agreement is not made, then a hearing is scheduled with an Administrative Law Judge. Any complainant can elect for civil action in lieu of a hearing.

When an unfair practice in a real estate transaction has been committed and a finding has been made, the Administrative Law Judge shall promptly issue an order for relief which can include actual damages, an injunctive or other equitable relief. Such order may assess a civil penalty against the respondent:

- A. In an amount up to \$10,000 if there was no previous unfair practices
- B. In an amount up to \$25,000 if the respondent committed one other unfair practice in a 5 year period
- C. In an amount up to \$50,000 if the respondent had committed two or more unfair practices

## Filing Complaints Resource

- Consumer Financial Protection Bureau (federal consumer financial protection): [www.consumerfinance.gov](http://www.consumerfinance.gov)
- Department of Financial Institution (mortgage and home loans): [www.dfi.wa.gov](http://www.dfi.wa.gov)
- Fair Housing Center of WA: <https://fhc.washington.org/>
- Federal Trade Commission (federal consumer protection and unfair business practices): [www.ftc.gov](http://www.ftc.gov)
- Housing and Urban Development (federal fair housing, financial assistance, and Violence Against Women Act): [www.hud.gov](http://www.hud.gov)
- Human Rights Commission (Washington Civil Rights Act violations): [hum.wa.gov](http://hum.wa.gov)
- Washington Office of the Attorney General (civil rights violations and consumer protection): <https://www.atg.wa.gov/>
- Northwest Fair Housing Alliance: <http://nwfairhouse.org/#>

**Thank you for taking this class from my school.**

**Natalie Danielson**

**Professional Direction**

**[www.CLOCKHOURS.com](http://www.CLOCKHOURS.com)**

## Quiz for Fair Housing 3-hour class

1	A person in real estate does not have to be harmed to be discriminated against.	True	False
2	The Civil Rights act of 1866 does not distinguish only housing but includes all real estate sales including land.	True	False
3	Discrimination includes showing a limitation, preference, or disparate treatment.	True	False
4	WA Discrimination law includes prohibiting discrimination in ALL real estate transactions.	True	False
5	Protected classes are not only people who are considered minorities?	True	False
6	There is no difference between direct or indirect discrimination.	True	False
7	Real estate offices and model home offices must be accessible under the ADA.	True	False
8	Religion protection includes people who practice one that might seem illogical or unreasonable and people who do not follow a religion.	True	False
9	A landlord must make reasonable accommodations for a disabled person.	True	False
10	Immigration status is a protected class under Washington State laws.	True	False
11	Gender expression does not correspond to assigned sex at birth or gender ID.	True	False
12	The Americans with Disabilities Act is also known as ADA.	True	False
13	Gender pronouns are the terms people choose to refer to themselves.	True	False
14	The Seattle Civil Rights and Labor History project at the UW is researching all the illegal deed restrictions.	True	False
15	It is a violation of discrimination laws to ask a couple if they are married.	True	False
16	Steering is the practice of a broker influencing a buyer's choice of communities.	True	False
17	There are many financial assistance programs available.	True	False
18	It is a violation of fair housing law for sellers to discuss or to choose one buyer over another based on their protected background.	True	False
19	It is illegal to refuse service because of a person's marital status.	True	False
20	It is a violation of the fair housing laws to work with a client that has expressed intent to discriminate.	True	False

You must include the quiz and the Mandatory Evaluation and return to Professional Direction with tuition to get clockhours. [clockhours@gmail.com](mailto:clockhours@gmail.com)

Your signature \_\_\_\_\_ date \_\_\_\_\_

## Mandatory Evaluation

**Did you read the material in the booklet on this date?** YES / NO

Did you complete the quiz and ATTACH both quiz and answer sheet? YES / NO

Did you pay Tuition? Link on website. YES / NO

Did you fill out and sign this form? YES / NO

You have taken the 6 hr Fair Housing class for your last renewal. YES / NO

Why did you choose to take this course? Topic? Time? Cost? Ease? Other?

A "clock hour" is 50 minutes. A 3 hour class should take 2.5 hours..

How long did it take you to complete the course? \_\_\_\_\_

Will the material you learned improve your performance?	
Were the course materials easy to follow?	
Were the course materials relevant to your profession?	
Were your objectives met by attending the class?	
Was the course material interesting?	

What are 3 things that you learned from the course?

- 1.
- 2.
- 3.

Would you take another correspondence course from Professional Direction? Yes/ No

<b>3 clockhour Washington Fair Housing</b>	
Print Name	Signature
Company	Address <small>home _____ or work _____ check one</small>
City / Zip Code	Phone
Email	
License Renewal Date	Date(s) Class taken

*Thanks for taking this class! I really appreciate the agents that take clockhours from my school! I am always working on my classes and writing new ones! Visit my website! Natalie*

**Professional Direction,  
Email quiz and Evaluation to: [clockhours@gmail.com](mailto:clockhours@gmail.com)  
[www.clockhours.com](http://www.clockhours.com)**