

Working With Sellers

One America Principles

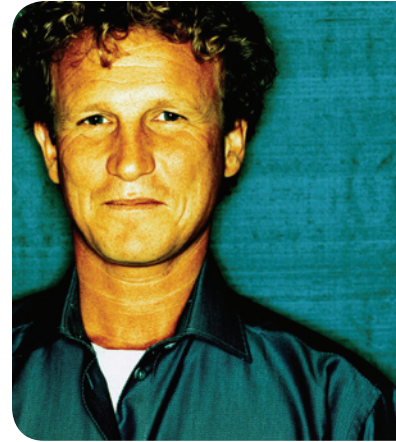
- I welcome you and want to do business with you.
- I will base my decisions and opinions of you on who you are and not on any preconceived stereotypes or ingrained value judgments.
- I subscribe to the Federal Fair Housing Act and its principles.
- I embrace and celebrate the strength that diversity brings to our communities and our nation.
- I will help you find opportunities to buy the home you choose.
- I will market homeownership to the public and reach out to people who may not know that homeownership is a real option.

Fair housing laws apply to homeowners who are selling or leasing property. As a REALTOR®, you should give homeowners a clear picture of their fair housing rights and responsibilities. This also helps you to avoid situations where the seller or owner expects you to discriminate on his behalf.

Make sure your listing agreement includes a clear statement that property is offered for sale or rent without discrimination based on race, color, religion, sex, handicap, familial status or national origin. You should also provide sellers or owners with brochures so that they review them at their leisure. The brochure What Everyone Should Know About Equal Opportunity in Housing can be found at www.realtor.org.

In addition to explaining fair housing laws and fair housing policy, be prepared to answer questions or respond to certain situations in an affirmative manner. You should be alert for questions and comments which are red flags for possible discrimination as you present offers from buyers. Be prepared to remind sellers and owners of their obligations to follow the law and your policy not to discriminate. In some situations, you may be forced to cancel your listing agreement if the seller or owner refuses to follow the law.

Below are some questions that sellers may ask that could be considered discriminatory. Also included are explanations of how the questions violate the fair housing act and how to respond to these questions.



Question #1

I believe that I, as a homeowner, have the right to sell my own home. A local broker told me I couldn't sell my home for the required price to the person I want. Is that true?

Key Points

- The Fair Housing Act prohibits sellers who use real estate brokers from refusing to sell or rent the sellers' home because of race, color, religion, sex, handicap, familial status or national origin of the purchaser or tenant.
- The Civil Rights Act of 1866 grants all citizens the same rights to buy or rent real estate. It prohibits all discrimination in the sale or rental of housing on the basis of race without exception.
- Michigan civil rights statute also prohibits sellers who use real estate brokers from refusing to sell or rent the seller's home because of age or marital status.

Areas of Liability

A seller or owner who discriminates on the basis of race, color, religion, sex, handicap, familial status or national origin is in direct violation of the law.

Actions to Take

- Inform the seller that there can be no discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin in the sale or rental of the property.

Suggested Response

You have the absolute right to sell your home to anyone at your required price as long as you don't discriminate among otherwise qualified buyers on the basis of race, color, religion, sex, handicap, familial status or national origin. Federal and state statute fair housing laws prohibit you from discriminating against qualified homebuyers because of their race even if you don't use a real estate broker or sales associate.

Diversity

1

2

3

“Not only do I accept you, I accept the culture you come from.”

One America Principles

- I will make sure you know there is a full range of housing choices available to you and encourage you to consider all communities and neighborhoods.
- I will make every effort so that we can communicate with each other. If we do not share a common language, I will work with you to find someone who can interpret.
- I have incorporated these principles in my daily operations and in my over-all business plan. I would be proud to share them with you.
- Please let me know about any cultural or special needs that you have so our business relationship will be comfortable.

Question #2

What color (religion, nationality) are the prospects?

Key Points

- When this question is asked, either you have failed to communicate to the seller that a decision to sell cannot be based on the homebuyer's race or the seller refuses to accept the consequences of discriminating under fair housing laws.
- This type of question should alert you to what may become a very serious problem in marketing this seller's property.
- Federal fair housing laws require that all property be offered to any qualified homebuyer without regard to race, color, religion, sex, handicap, familial status or national origin.

Areas of Liability

When a seller who has listed with your firm asks you this question, it can cause significant problems and expose you and the cooperating brokers and sales associates to charges of discrimination, unless it is immediately resolved.

Question #3

Can I get sued if I refuse to sell to minorities?

Key Points

- A refusal to sell or rent based on race, color, religion, sex, handicap, familial status or national origin is illegal and violates Section 804(a) of Title VIII of the Civil Rights Act, which was enacted in 1968.

Areas of Liability

- The seller can be exposed to charges of discrimination if the refusal to sell is based on the race, color, religion, sex, handicap, familial status or national origin of the homebuyer and not on differences in the terms or conditions of the sale or in the qualifications of the homebuyer.

- You may be charged with discrimination if you do not immediately dissociate yourself from a seller or lessor who wants to discriminate.
- Remind the seller that the listing contract prohibits discrimination.