

Illinois Human Rights Act

Fair Housing Is A Serious Matter! A Guide for Real Estate Professionals

"It shall be unlawful:

- A) to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unfavorable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin;
- B) to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, familial status, or national origin.
- C) to 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 a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D) to represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E) For profit, to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin."



Each listing agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of their race, color, religion, national origin, sex, handicap or familial status. No licensee shall enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, creed, religion, national origin, sex, handicap or familial status. No licensee shall act or undertake to act as a real estate broker or real estate salesperson with respect to any property the disposition of which is prohibited to any person because of race, color, creed, religion, national origin, sex, handicap, or familial status.

The 1988 Fair Housing Act Amendments established the handicapped, which includes people diagnosed with AIDS, as protected class. According to HUD, it is illegal for real estate agents to make unsolicited disclosures that a current or former occupant of a property has AIDS. If a prospective purchaser asks an agent if the current or former occupant has AIDS, and the agent knows this is in fact true, HUD advises the agent should not respond. Furthermore, the Illinois License Law states that no cause of action shall arise against a licensee for the failure to disclose: that the occupant of the property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition.

When there has been an adjudication in a civil or criminal proceeding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, SHALL suspend or revoke the license of that licensee unless the adjudication is in the appeal process.



**ILLINOIS
ASSOCIATION
OF REALTORS®**

Fair Housing Guidelines

Executive Summary

The broker/owner of a company/office has the legal and ethical responsibility to do everything in his/her power to prevent any of his/her sales associates or employees from committing any act or making any statement which could be perceived as discriminatory, based on the seven protected class groups covered under the Federal Fair Housing Law, including the Fair Housing Amendment Act of 1988 which are **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, FAMILIAL STATUS OR HANDICAP**.

The courts have ruled that the **BROKER/OWNER IS RESPONSIBLE** for the acts of his/her sales associates and employees in fair housing matters. Therefore, a company/office may not be in a position to defend sales associates or employees charged in fair housing matters if office policies and procedures have not been followed.

In fact, acts of discrimination will be grounds for termination or other disciplinary action. “Familial status” denotes children up to the age of eighteen (18) living with parents; “handicap” denotes physical and/or mental impairment.

The Illinois Human Rights Act also prohibits discrimination against persons because of marital status, ancestry or unfavorable military discharge, age, military status.

Local Housing Laws and Ordinances may include additional “protected classes” in addition to those covered by federal and state laws.

Note: Broker/owners should have a Policy and Procedure Manual for Equal Housing Opportunity. This Policy Manual should be distributed to each office individual. A sample is available from the Illinois Association of REALTORS®.

1) No sales associate or employee shall make any representation, either directly or by innuendo, that the presence in a neighborhood of persons of any particular race, color, religion, sex, national origin, familial status, or handicap will or may have results such as:

- Lowering property values
- Making the area less safe
- Contributing to a decline in the quality of the neighborhood or schools
- Adversely changing the composition of the block or neighborhood or making the neighborhood or area listings easier or more difficult to sell
- No sales associate shall imply that persons of a particular race, color, religion, sex, national origin, familial status, or handicap will be less able to obtain financing on a property or area because of race, color, religion, sex, national origin, familial status, or handicap of people living there.

3) Fair housing law should be discussed with a seller at the time of listing. The equal housing opportunity clause on the listing agreement should be pointed out.

4) Any seller who refuses to abide by the law as described in the equal opportunity clause shall be reported immediately to the broker/owner.

5) Any apparent or suspected discriminatory act or statement by a seller in rejecting or counteracting an offer shall be reported to the broker/owner immediately. Proper guidance in the response to the buyer must be obtained before delivery of the rejection or counteroffer.

6) Consistent qualifying techniques must be used with all buyers and adequate records must be maintained by the sales associate to demonstrate that all buyers are asked the same questions and given equal treatment.

7) No sales associate shall refuse to list or show a property in an area because of the presence/absence of people of a particular race, color, religion, sex, national origin, familial status, or handicap.

8) All sales associates and employees shall provide equal service without regard to a buyer's or seller's race, color, religion, sex, national origin, familial status, or handicap. Areas of service where equal treatment must be given include, but are not limited to, the following:

- Arranging appointments and making call-backs
- Greeting when entering or calling the office, acts of courtesy and hospitality
- Initial meeting to discuss needs
- Qualifying and financing information requests
- Personal information
- Availability, location and quality of properties presented for consideration and/or shown
- Keeping appointments
- Follow-up procedures
- Method of determining which properties to show

9) All sales associates and employees will be as cooperative in arranging showings, making keys available, setting up appointments to present offers, and conducting negotiations with brokers who serve predominantly minority buyers and with sales associates who we know or think are working with minority buyers as they are with all other brokers and sales associates.

10) Sales associates will offer to show all properties available within a buyer's range and objective criteria.

11) Any harassment of sales associates, employees, buyers or sellers by anyone in carrying out our obligations under the law shall be reported to the broker/owner immediately.

12) No sales associate or employee shall provide any information concerning the race, color, religion, sex, national origin, familial status, or handicap of residents or prospective residents of any building, neighborhood, community or geographic area.

- Providing such information often times has a discriminatory effect, which can be illegal.
- If a person persists in such an inquiry, he/she should be referred to a housing agency or a similar alternative source of information.
- 13) No associate or employee shall make any statement or perform any act that implies that we, as sales associates or employees of this company/office, adhere to racial/religious/national origin/sexual/familial status/handicap stereotypes that might result in different treatment in the sale, purchase or lease of housing.
- Telling racial/ethnic jokes or making derogatory remarks to one another, to agents or employees of another office or to a buyer or seller are unacceptable.
- While remarks may be made and jokes told with no discriminatory intent, the effect of such statements may be to indicate a willingness on our part to discriminate

This information was reprinted from the Policy and Procedure Manual for Equal Housing Opportunity, published by IAR in October 1997.

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