



Fair Housing FAQ's / Possible Situations



The following questions and suggested answer's are excerpted from NAR's Fair Housing in the '90's program. They can be used to promote discussion in your office and as a springboard to discuss other fair housing issues that agents may have questions or concerns about. Try reading the questions and situation descriptions out-loud at an office meeting and ask the agents to suggest appropriate responses before reading the suggested answers.

1-S Question: "Which buyer is this offer from?"

The agent has shown this house five times, once to a single mother, once to a pair of black males, once to a Hispanic family with 8 children, once to an elderly couple and once to a white family of 4. It is the Hispanic family that has made an offer.

1-A Suggested answer: "This offer is from Mr. Sanchez; you may remember, the computer salesman from Akron."
(NEVER: "The offer is from Mr. John Jones, remember, the black man.")

2-S Question: "What color are they?"

Situation: A black couple--one a computer programmer, the other a commodities trader--have made an offer on the house.

2-A Suggested answer: "Before I try to answer your question, I need to know why you are asking it. As you know, our listing agreement provides that this property is offered without regard to color. If you intend to violate that agreement, I need to know "up-front" so that we can save ourselves and each other a great deal of litigation and liability. I must protect myself and my company, and, it is to be hoped, protect you."

"Under the terms of our listing agreement and under the law, I am really reluctant to have you ask that question or try to answer it. The color of the prospective buyer is really irrelevant, isn't it, to your desire to sell your property at the price and on the terms you consider fair. If you want one of those terms to be a buyer of a certain race, then frankly, we can't represent you and no other real estate broker in town can legally do so and keep his license."

"Mr. Seller, I don't want to answer that question because whatever answer I give you will make the marketing of your property a great deal more complicated and costly for both you and me. You and I are both obligated by law to offer your property without regard to color. If I answer your question, How are we ever going to be able to prove that we fulfilled our legal obligation. No matter whether the buyer is black or white or some shade in between, we will have a lot of trouble proving that race was *not* a factor in your final decision to sell. And really, it shouldn't be a factor if we can get you the price and terms you are looking for."

3-S Question: “Can I wait for Mr. and Mrs. O’Brien to make an offer? The Sanchez family just doesn’t seem to be the type I want to buy my home”

Situation: Mr. and Mrs. Sanchez are Hispanic. They are financially qualified and have made an offer within \$1,000 of the asking price. You have shown the house a number of times and feel that an offer from the O’Brien’s or possibly another white family might be forthcoming.

3-A Suggested answer: “Mr. Seller, I don’t understand why you don’t believe Mr. and Mrs. Sanchez are the type you want to buy your home. They have made a good offer and are financially qualified. What type are you looking for?”

[If the response reveals that they are looking for a non-minority buyer, the broker should advise the seller of his legal and contractual obligation not to discriminate.]

“Mr. Seller, I certainly appreciate your desire to have the opportunity to consider all offers, and I will try to get a firm offer from the O’Brien’s immediately. But the Sanchez’s offer is a good one and I would hate to see you lose out by delaying. Also, I really don’t understand why you don’t consider the Sanchez’s to be the type to buy your home.”

[Where the basis for deferring decision is ambiguous but “could” be discriminatory, it is important that the broker attempt to remove the ambiguity by forcing the seller to articulate his concern. If the concern is founded in bias, the broker is able to take action to remove or overcome the bias or repudiate any support for it. On the other hand, the concern may be the product of considerations or impressions which the broker can either clear up or can explain in non-discriminatory terms.]

4-S Question: “If I take my home off the market, how long do I have to wait before I can sell it again?”

Situation: Mr. Jones, a prospective buyer, is black. The house has been shown only three times in three months, and no one else seems interested.

4-A Suggested answer: “Mr. Seller, you must understand that if you withdraw this property in order to avoid selling it to Mr. Jones, you risk serious legal liability and you may be unable to sell your property indefinitely. I strongly suggest you consult with your counsel before you take this action. As for me and my firm, I certainly cannot agree to the termination of our listing agreement for this reason.”

“Mr. Seller, I am very uncomfortable with your decision to withdraw your property from the market. I realize this is your decision, but I am concerned that it will appear to be merely an excuse not to sell to Mr. Jones. Perhaps you should re-think your decision.”

“Mr. Seller, I understand the reasons you feel you need to withdraw your property from the market. However, Mr. Jones may feel that they are merely an excuse for not accepting his offer because he is black. I think it would be helpful to you and to Mr. Jones, and it might avoid hard feelings, misunderstandings, and possible litigation, if I brought Mr. Jones by and let you explain your decision to him personally.”

[Face to face meetings between seller and minority prospective purchaser have several values; First, the broker is relieved of the problem of articulating and explaining the reasons for the withdrawal; second, the minority prospective purchaser is able to see that it is the seller, and *not* the broker who has made the decision; third, the mere bringing of seller and purchaser together for a “final discussion” supports the objective role of the broker; and fourth, the prospect of confrontation may well discourage the seller whose reasons for withdrawing the property are not substantive or honest.]

5-S Question: “Are you aware that there is a bonus for selling my home to the ‘right people?’”

Situation: This is a new listing in a community that is a white pocket in a mixed race county.

5-A Suggested answer: “I appreciate the offer of a bonus but it would be both unethical and illegal for me to accept it when it is conditioned on the race, national origin, religion, handicap, familial status or sex of the buyer I am able to bring you. Such an arrangement would subject both of us to very serious liability.”

“Your offer of a bonus for bringing offers from the “right” people is inconsistent with our agreement that I am to market your property without regard to the race, religion, national origin, handicap, familial status or sex of the home seeker. I must insist on holding to our agreement.”

6-S Question: “Why must I sell my house to people I don’t like, white or black? Why don’t I have freedom of choice? What about my rights?”

Situation: The seller is an elderly black college professor who lives in an upper class section of town. He/She is interested in seeing that the neighborhood stays integrated.

6-A Suggested answer: “Mr. Seller, I don’t think it is appropriate for me to try to answer these questions for you. If you believe you have the right to discriminate on the basis of race, religion, national origin, handicap, familial status or sex, I can only urge you to have a talk with your attorney.”

“From my standpoint, and that of my firm, we know we are prohibited by law and by our Code of Ethics from marketing property on a discriminatory basis. Moreover, it is difficult for us to understand how people can dislike a whole race, religion, nationality, sex, familial status, or handicap. How can someone hate you without knowing you? What does being Jewish have to do with being a good neighbor? What does being Italian have to do with the price you want for your property?”

“We can do a good job of selling your property to a qualified buyer at the price and on the terms you specify. But, we cannot do that job unless we have your consent and support to market your property on a non-discriminatory basis.”

7-B Question: “What is the racial composition of this neighborhood?”

Situation: This agent covers the entire south side of a major metropolitan area. The family is of Asian descent.

7-A Suggested answer: I believe that demographic or census information may be available at the county level. It would not be wise for me to guess. If you would like to research this matter, I have the telephone numbers of the city’s and county’s planning departments. They have additional information.

8-B Question: “I am black. Do you service any areas that I would feel at home in?”

Situation: The agent serves a wide, rural area.

8-A Suggested answer: We have access to houses for sale in many areas. If you can tell me some of the features you are looking for in either your house or neighborhood, I am sure I can help you out. Are there any particular villages or towns in which you would like to start your search? Most of the villages have houses in several price ranges, the houses tend to vary quite a bit in style and age. Once I know what you’re looking for, I’ll be in a better position to let you know what meets your criteria and to help you find the house in the area that you want.

9-B Question: “Are the schools integrated?”

Situation: The agent serves an area with homes owned by a wide variety of races, ages, and religions. The agent's own children attend a school that is approximately 60% white, 20% black, 10% Hispanic, and a 10% mix of American Indian and Asian.

9-A Suggested answer: “Our office does not maintain statistics regarding the racial make-up of the student body in the schools in our market area. If you would like such information, you should contact either the school itself or the school district’s office. Those sources can also tell you which schools will be available to your children, the class size, the basic curriculum and provide the best answers to your questions. Also, you might want to check with some of your potential new neighbors about how they feel about the schools their children attend.

10-A Question: “I’m from out of town. Could you suggest some good areas?”

Situation: The prospective buyers are a professional couple, second generation Japanese. They have two children.

10-A Suggested answer: “We feel that all the areas in which we do business have many positive features. The communities, style and price of housing do vary however. What did you have in mind? Do you have any particular needs in a house?”

“We’re very positive about all the areas we service. Each community has its own particular charm and, of course, no place is perfect. What size and style of home are you looking for? Are you familiar with any of the communities we have listings in?”