"IS FAIR HOUSING *REALLY* FAIR?"

EQUAL HOUSING OPPORTUNITY

3 Hours of Ethics Continuing Education by Live/Classroom/Zoom Delivery

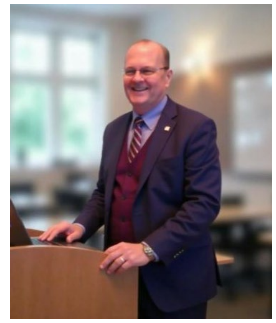
Approved by the Nevada Real Estate Division on behalf of the Commission

Participant Outline

Rev 5/27/26

JOSEPH R. FITZPATRICK

MEET JOE:



Joe Fitzpatrick graduated from The University of Nevada, Las Vegas in 1985 and began his career with Coldwell Banker in Margate, Florida, listing and selling real estate. Joe went on to manage the North Miami office and opened Century 21 Fitzpatrick Realty with family. The firm became the top-ranked Century 21 company in Broward County, Florida.

In 1991, Joe returned to Las Vegas where he began teaching and authoring real estate courses. He also continued on as Vice-President of Century 21 MoneyWorld, which was consistently ranked among the top 10 Century 21 firms in the world where he led the education division among other duties.

Joe has authored and published over 30 real estate licensing textbooks and courses available on Amazon.com and which have been approved for utilization in several states. He made a few stops along the way including being the Education Director at LVR. You may recognize his voice from other online sites. Living through sellers' markets and buyer's markets, Joe has experienced interest rate fluctuations of 17.5% and 2%. He knows what it takes to stay successful in the business no matter what the market conditions may be.

Joe opened Fitzpatrick Real Estate School in both Nevada and Arizona, and continues to practice real estate in addition to his other responsibilities. We trust you will find Mr. Fitzpatrick’s courses to be informative, interesting, and entertaining too.

CE Agreement
The student participant must:

- not miss more than 10 minutes of a 3-hour course; 15 minutes for internet connection issues.
- direct their attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction and distracting.
- always have their cameras on and pointed to the student while the class is in session, excluding breaks.
- in Zoom, display the name under which they registered.
- must always have audio muted except when speaking to the group.
- participate and respond when asked to by the instructor.
- conduct themselves as they would in an in-person classroom setting.
- be appropriately dressed for a classroom setting.
- refrain from engaging in any activity that would be distracting to the instructor or fellow attendees such as using electronic/computer devices unrelated to the instruction, cell phone use, having conversations with other people, walking around, driving/riding in a vehicle, cooking, cleaning, etc.
- complete the course evaluation immediately upon the conclusion of the course.

I. Zoom Rules / Housekeeping / Course Objectives

II. Introduction: What is Fair Housing?

Fair housing in the United States refers to the right of all individuals to obtain housing free from discrimination. It encompasses a range of legal protections designed to ensure that people have equal access to housing opportunities regardless of their race, color, national origin, religion, sex, familial status, or disability. At its core, fair housing is a civil rights issue rooted in the principle that where a person lives affects nearly every aspect of their life - including access to education, employment, transportation, healthcare, and community resources.

The history of fair housing in America is one of struggle and resilience. From racially restrictive covenants to redlining and urban renewal, housing policies have historically marginalized minority communities and reinforced patterns of segregation. However, civil rights activists and lawmakers have made considerable strides in dismantling these barriers, particularly through the Fair Housing Act of 1968. Yet, discrimination in housing remains a persistent issue, and the fair housing movement continues to evolve to meet new challenges, including those related to LGBTQ+ rights, source-of-income discrimination, environmental justice, and technology.

Before the Fair Housing Act of 1968
Prior to the passage of the Fair Housing Act in 1968, the housing industry was filled with discriminatory and exploitative practices. The only laws that touched on housing discrimination were the Thirteenth Amendment (which abolished slavery), the Fourteenth Amendment (which guaranteed citizenship, due process, and equal protection under the law), and the Civil Rights Act of 1866. That act stated that all U.S. citizens had the same rights as white citizens to own, sell, rent, and manage property. However, the law was vaguely written and rarely enforced in practice.

People from minority backgrounds—especially racial and ethnic minorities—faced major barriers when trying to buy property. Even when they succeeded in purchasing homes, systemic discrimination kept neighborhoods segregated, and communities with growing minority populations often lacked fair access to loans and financial services.

Despite these challenges, many pushed back against the unfair system. Over time, discriminatory housing practices were increasingly challenged and made illegal. Chicago, for example, banned restrictive covenants in the late 1940s, and in Seattle, reform efforts began in the late 1950s.

In short, the housing market before the 1960s was deeply unfair, especially for minority groups. But their struggles and activism helped pave the way for landmark changes in housing law.

Life Changing Lawsuits:

- Plessy v. Ferguson (1896)
- Buchanan v. Warley (1917)
- Shelley v. Kraemer (1948)
- Brown v. Board of Education (1954)
- Jones v. Alfred H. Mayer Co. (1968)

Plessy v. Ferguson (1896)
In 1892, Homer Plessy, a man of mixed race, deliberately sat in a "Whites Only" train car in Louisiana to challenge the state's segregation laws. His actions led to a legal battle that eventually reached the U.S. Supreme Court. Unfortunately, the Court ruled in favor of the segregation laws, declaring them constitutional. This ruling established the principle of "separate but equal," meaning that racial segregation was permitted as long as the separate facilities for Black and white people were supposedly equal. This concept quickly spread to many areas of public life, including public transportation, schools, restrooms, restaurants, churches, cemeteries, and theaters.

The Supreme Court's decision in *Plessy v. Ferguson* was grounded in the idea that segregation didn't violate the 14th Amendment, as long as the separate facilities were equal—though in reality, they rarely were. This interpretation supported the Jim Crow laws that enforced racial segregation.

From 1948 to 1968, a series of court cases and federal policies tried to tackle the unequal conditions created by *Plessy*, especially in the housing sector. However, these efforts mostly targeted limited areas, such as federally funded housing, so their overall impact was minimal.

It wasn't until the passage of Title VIII of the Civil Rights Act of 1968—commonly known as the Fair Housing Act—that significant changes began to address widespread discrimination in housing and real estate.

Buchanan v. Warley (1917)
In 1915, a white real estate agent named Charles Buchanan agreed to sell a home in Louisville, Kentucky, to William Warley, a Black lawyer affiliated with the NAACP. However, at the time, the city had a law that barred Black residents from living on blocks where most of the residents were white. Since the neighborhood was majority white, Warley wasn't legally allowed to live there.

The sales contract acknowledged this issue. Warley's offer made it clear that he would only go through with the purchase if he had the legal right to live on the property. His offer stated: "I'm buying this property with the intention of building a home for myself. This agreement depends on whether I'm legally allowed, under Kentucky and Louisville law, to live on the property."

Buchanan accepted Warley's terms, but when Warley refused to complete the deal due to the ordinance, Buchanan took him to court. The Kentucky Court of Appeals upheld the ordinance, which blocked Warley from living on the property and made the sale unenforceable.

Buchanan then appealed the case to the U.S. Supreme Court. In a unanimous 1917 decision, the Court overturned the Kentucky ruling, declaring the ordinance unconstitutional. The Court said the law violated Buchanan's right to sell his property freely. It also referenced the Civil Rights Act of 1866 and the 14th Amendment, affirming that Black citizens have the same right to own and occupy property without racial discrimination enforced by the state.

The main takeaway: Laws that restrict where people can live based on race—like race-based zoning—are unconstitutional.

Shelley v. Kraemer (1948)
In 1945, the Shelley family, who were Black, bought a home in St. Louis, Missouri. They didn't know that the property was subject to a restrictive covenant that said no one who wasn't white could live there for the next fifty years.

A white family, the Kraemers, along with other white neighbors, tried to block the Shelleys from moving in by enforcing that covenant.

The case eventually made its way to the U.S. Supreme Court, which had to determine whether enforcing racially restrictive covenants went against the Fourteenth Amendment. That amendment guarantees all people equal protection under the law.

The Court decided that while private individuals can technically create such covenants, courts and states cannot enforce them without violating the Constitution. By stepping in to enforce these racist agreements, the state was effectively denying Black citizens their constitutional right to buy and own property.

Key takeaway: Racially restrictive covenants may be private agreements, but government enforcement of them is unconstitutional under the Fourteenth Amendment.

Brown v. Board of Education (1954)
In 1952, civil rights advocates from several states challenged the legality of segregated public schools. After failing to get a favorable ruling in lower courts, the cases were taken to the U.S. Supreme Court.

The five cases involved were:

- *Brown v. Board of Education of Topeka*
- *Briggs v. Elliott*
- *Davis v. County School Board of Prince Edward County*
- *Bolling v. Sharpe*
- *Gebhart v. Belton*

The Supreme Court grouped all five cases together under the title *Brown v. Board of Education*.
The central argument was that separating Black and white students into different schools was unfair and violated the Equal Protection Clause of the 14th Amendment, which guarantees equal treatment under the law.

On May 14, 1954, Chief Justice Earl Warren delivered the Court's opinion, declaring that "separate but equal" has no place in public education. He stated that separate schools for Black and white children are, by nature, unequal—and therefore unconstitutional under the 14th Amendment. This decision officially overturned *Plessy v. Ferguson*, the 1896 case that had upheld racial segregation.

Knowing the ruling would be met with resistance—especially in Southern states—the Court didn't set a specific timeline for integrating schools. Instead, it asked each state that allowed segregation to come up with a plan for how they would move forward with desegregation.

Jones v. Alfred H. Mayer Co. (1968)
While earlier laws had eliminated government-enforced racial discrimination, they didn't clearly address discrimination by private individuals. That changed in 1968 when Joseph Lee Jones, a Black man, tried to buy a home in the Paddock Woods neighborhood in St. Louis County, Missouri. The developer, Alfred H. Mayer Company, refused to sell him the house simply because of his race. Mayer argued that, since it was a private sale, he had the right to choose whom to sell to.

Jones filed a lawsuit in federal district court, but the court sided with Mayer. The judge ruled that the law prohibiting housing discrimination only applied to government actions—not private individuals or companies. Jones appealed the decision.

When the case reached the U.S. Supreme Court, the justices disagreed with the lower court. They ruled that Section 1982 of the Civil Rights Act of 1866 prohibits *all* racial discrimination in the sale or rental of property—whether the discrimination comes from a public agency or a private party. The Court also said that this law was a valid use of Congress’s power to enforce the 13th Amendment, which abolished slavery and its effects. This landmark ruling made it clear that racial discrimination in any property sale is illegal in the United States, and it confirmed that Congress has the authority to act against such private discrimination under the 13th Amendment.

III. Historical Background of Housing Discrimination in America

A. Early Forms of Discrimination

Long before fair housing laws were conceived, housing discrimination in America was both overt and legally sanctioned. African Americans, Native Americans, Asian immigrants, and Latinos were often prohibited from owning land, renting in white neighborhoods, or receiving public housing benefits.

In the early 20th century, many cities adopted **racially restrictive zoning ordinances**, which were later replaced by **racial covenants** in private deeds. These covenants prohibited homeowners from selling or renting to individuals of certain races, most commonly African Americans, Jews, and Asian Americans.

B. Redlining and Federal Policy Failures

One of the most damaging practices institutionalized by the federal government was **redlining**, where the Home Owners’ Loan Corporation (HOLC) and later the Federal Housing Administration (FHA) created maps that graded neighborhoods by perceived lending risk—often based on racial composition rather than financial metrics. Minority neighborhoods were graded “hazardous,” effectively cutting off access to home loans and investment.

This systemic denial of credit led to decades of **disinvestment** in Black and Brown communities, depriving generations of the opportunity to build wealth through homeownership.

C. Urban Renewal and Displacement

The mid-20th century brought **urban renewal** projects that razed entire neighborhoods, disproportionately affecting communities of color. Often framed as slum clearance, these projects displaced thousands of families, leaving many with no relocation assistance or legal recourse.

IV. Federal Laws: Civil Rights Act of 1866 and 1964; The Fair Housing Act of 1968

There are a number of important federal laws, dating from 1866 to the present day that focus specifically on the rights of American citizens to buy, sell, own, and rent property. Real estate agents, among others, need a working knowledge of these laws to fulfill the responsibilities of being the agent.

As a group, these laws have been enacted to prevent discrimination against certain, *<u>protected classes</u>*:

- the Civil Rights Act of 1866
- the Civil Rights Act of 1964
- the Fair Housing Act of 1968

During the period of Reconstruction (1865-1876), several issues were addressed: the return to the Union of those southern states that had seceded, the status of ex-Confederate leaders, and the integration of the African-American freedmen; bitter controversy arose over how to accomplish it all.

Central to the success of the Reconstruction effort was the development of laws regarding the status and rights of the 4 million former slaves. Three important amendments to the U.S. Constitution began to accomplish the establishment of freedom for former slaves.

- the 13th Amendment (1865) abolished slavery
- the 14th Amendment (1868) established citizenship for all persons born in the U.S. or naturalized, and granted them federal civil rights, including due process of Law
- the 15th Amendment decreed that the right to vote could not be denied based on race, color or the "previous condition of servitude." This amendment did not grant the right to vote, as electoral policies are established by the states; however, it did limit the ability to use race, color, or slavery as reasons a state could use to deny the right to vote.

A. Civil Rights Act of 1866 (Reconstruction Act) – This legislation was passed by Congress over the veto of President Andrew Johnson who succeeded to the Presidency from vice president after the assassination of President Abraham Lincoln. This law provided that all persons born in the United States are declared to be citizens, regardless of race or color, and shall have the right to enter into contracts, to sue, inherit, acquire and dispose of property, and shall equally benefit from the law as do white citizens.

Classes protected by this law were race and color.

B. Civil Rights Act of 1964 – is a historical piece of civil rights legislation that banned discrimination based on race, color, religion, sex, or national origin. It ended unequal voting rights and racial segregation in schools, at the workplace, and by facilities that served the general public (public accommodations). This law did not focus on housing.

C. Civil Rights Act of 1968 – Notwithstanding the racial injustice prevailing in American society in the 100 years between the passage of the Civil Right act of 1866 and the mid-1960s, not much happened to improve the lot of our minority citizens. However, by the 1960s, the matter of civil rights for all citizens had again reached the status of a national crisis. Numerous acts were adopted to advance the equal treatment of people of all races, and principal among them was the Fair Housing Act of 1968.

Formally known as Title VIII of the Civil Rights Act of 1968 as amended by Fair Housing Amendments Act, this legislation was enacted on April 11, 1968, and was amended in 1988. The federal Fair Housing Act provides the basis for fair housing rights and enforcement throughout the United States. The Act also provided for accessibility requirements for covered multi-family housing built for first occupancy after March 13, 1991.

This comprehensive legislation protected four classes or classifications of Americans. Race and color from 1866 and in 1968 covered religion and national origin. Gender was added in 1974 and family status and disability were added in 1988.

Signed into law by President Lyndon B. Johnson, the Act prohibited discrimination in housing based on:

- Race
- Color
- National Origin
- Religion

Later amendments expanded protections to include:

- Sex (1974)
- Disability (1988)
- and Familial Status (1988)

The Act applies to the sale, rental, and financing of housing, as well as other housing-related transactions.

These seven, protected classes formed the basis of a new effort to assure the American dream of housing to all citizens.

Note: Marital status, age, and occupation are *not* protected classes.

VI. Fair Housing Act (continued)

D. Key Provisions

The Fair Housing Act makes it unlawful to:

- Refuse to rent or sell housing
- Set different terms or conditions
- Falsely deny availability
- Advertise in a discriminatory manner
- Harass or coerce individuals exercising their rights
- Retaliate against anyone filing a complaint

In addition, housing providers must make **reasonable accommodations** and **modifications** for individuals with disabilities and comply with **accessibility standards** in new multifamily housing.

Specific wrongs – The 1968 Fair Housing Act defined prohibited practices involving housing, which involved sales, rentals, advertising, and financing. The law's most important provisions made it unlawful to take the following actions if the prohibited behavior affected a member of a protected class:

- refusing to sell a property, or to lease a property, because the prospective buyer or tenant is a member of a protected class;
- altering terms in a contract to purchase or to lease a property because the prospective buyer or tenant is a member of a protected class;
- using discriminatory statements in advertising;
- denying service as a real estate professional because the prospective client is a member of a protected class;
- showing properties to a prospective buyer or tenant only in areas of the market which are predominantly of the same ethnicity as the prospect – ***steering***;
- attempting to create ***panic selling*** by creating a sales contract with a member of a protected class with the intent to use the sale to a protected class member as a method of inducing owners in the area to sell, before the neighborhood becomes too "mixed" or the homes lose value is called ***blockbusting***. Blockbusting contracts are void. Listings based upon a blockbusting scheme are voidable by the seller once the blockbusting scheme is discovered;
- A lender who refuses to lend in an area because it is populated with members of a protected class is ***redlining***. The term comes from lenders who would make areas on a map (often with a red line) and say they "just don't loan in areas like that."

E. Exemptions

The law includes specific, narrowly tailored exceptions that remain in effect today. These exemptions were included when the law was passed and have not been repealed, although they are interpreted narrowly by courts to prevent misuse.

Here are the main exemptions still legally recognized under the Fair Housing Act:

1. Owner-Occupied Buildings with Four or Fewer Units (also called the "Mrs. Murphy Exemption")

- If a dwelling has four or fewer units and the owner lives in one of them, the rental of the remaining units is exempt, except for discriminatory advertising.
- Example: A landlord lives in a triplex and rents out the other two units. This landlord may be exempt but cannot publish a discriminatory ad.

2. Single-Family Housing Sold or Rented Without a Broker

- If a private individual (not a business or entity) owns three or fewer single-family homes, they may sell or rent one of them without being subject to the rules, provided:
  - They do not use a broker or real estate agent, and
  - They do not use discriminatory advertising.
- This exemption does not apply to corporations, partnerships, or anyone who owns more than three such properties.

3. Religious Organizations

- Religious organizations may give preference to members of their own religion when leasing non-commercial housing they own or operate, so long as:
  - They do not restrict based on race, color, or national origin.
- Example: A church-owned apartment building may give rental priority to its members, but not discriminate against someone because of race.

4. Private Clubs
- Private clubs that provide non-commercial lodging may limit occupancy to their members.
- Like religious exemptions, this cannot be used to justify racial or national origin discrimination.

Notes on the Exemptions:

- These exemptions are narrow and often overridden by state or local fair housing laws, which may not allow the same exemptions.
- Discriminatory advertising is *never* exempt, even in cases where the housing provider might otherwise qualify for one of these exemptions.
- **JONES VS. MAYER** — in 1965, Jones filed a lawsuit against Mayer claiming Mayer refused to sell Jones a house in St. Louis for the sole reason that he is black. The lawsuit eventually made its way to the Supreme Court which upheld the Civil Rights Act of 1866. Mayer claimed he was "exempt" according to the exemptions provided in the Fair Housing Act of 1968. The court ruled that there are no exemptions to discrimination based on race – ever, and thus ruled in Jones' favor.

V. Enforcement of Fair Housing Laws

A. Federal Agencies

The U.S. Department of Housing and Urban Development (HUD) is the primary agency responsible for enforcing the Fair Housing Act. HUD investigates complaints, initiates investigations, conducts conciliation, and refers cases to the Department of Justice (DOJ) when litigation is warranted.

Other federal agencies involved include:

- DOJ's Civil Rights Division
- Consumer Financial Protection Bureau (CFPB)
- Federal Trade Commission (FTC) (for deceptive housing ads)

B. Fair Housing Assistance Program (FHAP)

HUD partners with state and local agencies through the Fair Housing Assistance Program, providing funding to jurisdictions with laws that are substantially equivalent to the federal Fair Housing Act. These agencies investigate complaints, engage in outreach, and mediate disputes.

C. Fair Housing Initiatives Program (FHIP)

HUD also supports nonprofit fair housing organizations through the Fair Housing Initiatives Program, which includes:

- Education and Outreach Initiatives
- Private Enforcement Initiatives
- Fair Housing Organizations Initiatives

These groups play a critical role in testing, advocacy, and public education.

D. *Testers*

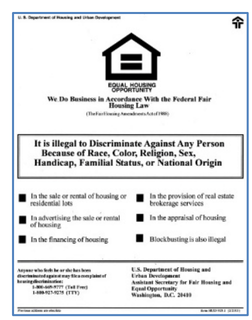
- **Multi-Year Study Reveals Widespread Housing Discrimination**
  In 2019, Newsday published a three-year investigation that used housing discrimination testers to expose biased behavior by real estate agents on Long Island, New York—a region known for its high levels of segregation. The study aimed to discover what factors were maintaining this segregation. (A link to the full study is available in your optional resources.) Unfortunately, these discriminatory practices are not unique to Long Island—you might have seen similar things yourself. The study acts as a serious warning to all real estate professionals and housing providers.
- The research involved 25 pairs of testers, with one tester in each pair being white and the other Black, Asian, or Hispanic. Both testers in each pair had identical profiles, including financial qualifications and home preferences. They met with 93 real estate agents to check if they were treated differently based on race or ethnicity.
- Interactions were secretly recorded (about 240 hours of recordings, done legally), and nearly 6,000 home listings given to the testers were analyzed to see if agents were steering buyers toward certain neighborhoods because of their race or ethnicity.
- The findings showed unequal treatment rates as follows:
  - Asian testers faced discrimination 19% of the time.
  - Hispanic testers experienced it 39% of the time.
  - Black testers encountered unequal treatment 49% of the time.
  - White homebuyers were often directed toward predominantly white neighborhoods, while Black, Indigenous, and people of color (BIPOC) buyers were shown more diverse or integrated areas.

- **Examples of Biased Comments Heard by Testers**
  Testers overheard real estate agents making clearly discriminatory remarks, such as:

  - "You're not gonna like those schools."
  - "But you don't want to go there. It's a mixed neighborhood."
  - "It's a mini United Nations."
  - "I have to say it without saying it…I don't wanna use the word 'steer,' but I 'educate' about the areas."
  - "I'm not sending you anything in [a BIPOC neighborhood] unless you don't mind starting your car to buy your crack."
  - "The Hispanic community came in and really took over that area."
  - White testers were warned about bad school districts, but Black testers were told they might like the area.
  - White testers were told to "follow the school bus" or that they might feel more comfortable in certain demographic areas.

- **Different Treatment in Practice**
  In one example, a Black female tester and a white female tester both approached the same agent with the same financial situation and home criteria. Neither had been prequalified or preapproved for a mortgage.
  - The Black tester was told she couldn't see homes until prequalified and was refused help. She received no listings.
  - The white tester was asked about her availability to start house hunting and was sent 79 listings.

- **Mixed Messages About Neighborhood Safety**
  In another case, a Black male tester and a white male tester both asked an agent about a neighborhood with mostly Black and Hispanic residents.
  - The Black tester was told the agent was excited about listings there because the people were "so nice."
  - The white tester initially received no information, but later was texted a warning about a recent gang-related killing in the area—information the Black tester never received.
  - The Black tester got 27 listings in that neighborhood, while the white tester was given none and was instead directed to whiter neighborhoods.



E. Equal Housing Poster – The Act requires the display of the fair housing poster at real estate agencies and related industries. Failure to display the poster is considered by the Department of Housing and Urban Development (HUD) to be a form of illegal discrimination.

F. Other Federal Fair Housing Laws

A. Equal Credit Opportunity Act (ECOA) – This act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.

The most import application of this law is in the granting of mortgages, home improvement loans, or in the use of credit-based information in the renting of homes.

B. Americans with Disabilities Act (The ADA) – The ADA is an anti-discrimination law that deals with physical workplace accommodations for disabled persons. While the ADA is not usually related to housing units and properties, real estate agents are advised to have some knowledge of the law and its requirements.

The ADA prohibits discrimination in employment practices against persons with disabilities. Before this law went into effect, many employers had facilities which were not "handicap accessible." They were able to claim inability to hire the handicapped because of work place limitations. The ADA banned discrimination based on the status of a person's handicap, and also addressed the issue of accessibility for "public buildings" or "buildings open to the public."

Public buildings are defined as buildings owned or operated by a public entity such as city, county or state buildings, buildings in public parks, libraries, museums and the like. Buildings open to the public but owned by private owners are covered if they are business properties open to the general public, or are residential properties consisting of five (5) or more units (apartment complexes, timeshare developments, and other similar properties).

The types of disabilities protected are:

- vision impaired
- limited mobility
- confinement to wheelchair or similar devices
- hearing impaired
- alcoholism – if the person is enrolled in a recognized treatment program
- drug Addiction – if the person is enrolled in a recognized treatment program
- HIV positive or AIDS

To insure access for handicapped persons to public buildings and buildings open to the public, a barrier-free construction requirement was phased in, starting in 1992. To be ADA compliant, hallways and doors have to be wide enough to accommodate a standard wheelchair, restrooms have to have provisions for handicapped persons, structures more than one story have to have elevators, instructions in Braille must be posted on elevator controls and on certain signs. Handicap parking must also be provided.

C. Housing for Older Persons Act (1995) – HOPA outlines the requirements *for the persons who are 55 years of age or older* exemption established in the Fair Housing Act. This exemption applies to the familial status provisions of the Fair Housing Act, but does not exempt the housing from the other provisions of the law.

This law states that communities can legally market themselves as "age-restricted" or "age-qualified," provided that 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older. Most 55+ age-restricted, active, adult communities place an age-minimum on the residents. In most of these communities, no one under the age of 19 may reside in the community unless granted an exemption. Nearly all age-restricted and active adult communities allow people under the age minimum, such as grandchildren, to visit and stay on a limited basis. Most age-restricted communities have covenants that allow people under the age minimum to reside temporarily in the community for a period of time, ranging from two weeks to 90 days per year (varies by community).

VI. Service Animals and Emotional Support Animals

A. One of the biggest mistakes licensees make is assuming that service animals and emotional support animals are the same thing. They are not.

B. Under the ADA: A service animal is generally a dog that is individually trained to perform tasks for a person with a disability. Examples include:

- guiding the visually impaired
- providing seizure alerts
- offering mobility assistance.

C. Under Fair Housing Laws the rules are broader. Housing laws recognize:

- service animals
- emotional support animals
- assistance animals.

An emotional support animal does NOT require specialized training. That surprises many landlords and agents.

D. Can a landlord say:
"I only accept REAL service dogs, not emotional support animals?"

Discuss:

- potential disability discrimination,
- fair housing protections,
- accommodation obligations.

E. THE "NO PETS" PROBLEM

"A very common Nevada scenario involves a landlord with a strict 'No Pets' policy."

Then the tenant says 'I have an emotional support animal.'
Many landlords immediately respond emotionally:

- 'It's fake.'
- 'Everyone has one now.'
- 'I'm tired of scams.'

The problem is the law does not allow housing providers to simply dismiss the request.

An assistance animal is NOT considered a pet under fair housing law. Therefore pet fees, pet deposits, breed restrictions, and pet prohibitions may not apply.
A landlord says: "Fine. They can keep the dog if they pay an extra $500 deposit."

- Legal?
- Illegal?
- Risky?
- Fair Housing Violation?

F. WHAT CAN A LANDLORD ASK?

- "This is where agents frequently get themselves into trouble by trying to 'investigate' the disability."
- Housing providers generally may ask for:
    - reliable documentation,
    - IF the disability is not obvious,
    - AND the need for the animal is not obvious.

- BUT: They should NOT:
  - demand medical records,
  - ask detailed medical questions,
  - require proof of training for an emotional support animal,
  - or interrogate the tenant.

"What if the tenant says their chihuahua helps with anxiety?"
Then discuss:

- what documentation may be requested
- what crosses the line

and why agents should avoid playing doctor or lawyer.

G. Many agents mistakenly believe:
'It's the landlord's problem, not mine."
That is dangerously wrong.
If an agent:

- discourages a disabled tenant
- repeats discriminatory statements
- refuses showings
- or helps a landlord violate fair housing laws

the agent may become part of the complaint.

H. A landlord tells the property manager:

"Tell applicants we don't allow pit bulls, even emotional support dogs."

"What should the licensee do?"

- broker involvement
- refusing unlawful instructions
- Documentation
- risk management

I. Phrases that should immediately trigger caution for Nevada licensees:
"We don't want animals here."
"Those emotional support letters are fake."
"This is a pet-free community."
"The HOA won't allow it."
"Can't they live somewhere else?"
Discuss:

- emotional reactions
- compliance mindset
- when to pause
- seek broker/legal guidance

J. Could a fair housing violation occur even if the landlord sincerely believed they were being reasonable?" Intent is not always the deciding factor.

VII. Fair Housing in the Real World

A. Most fair housing violations do not begin with bad intentions.
B. They begin with:

- casual conversations,

- attempts to be helpful,
- assumptions,
- or pressure from clients.

C. Nevada licensees often encounter situations where there is no obvious 'good guy' or 'bad guy.'

D. Instead, there are:
- confused landlords,
- nervous buyers,
- demanding sellers,
- emotional tenants,
- and agents trying to solve problems quickly.

D. Today we are going to work through real-world scenarios that Nevada agents could easily encounter. (5 Scenarios)

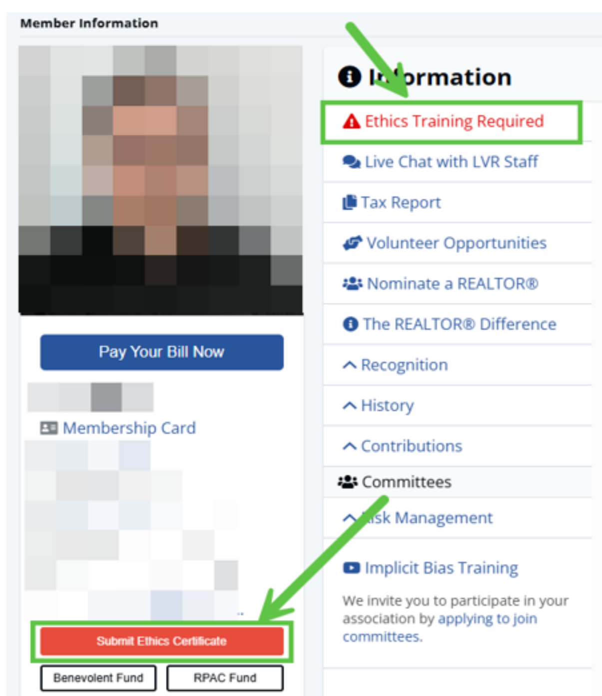
VIII. NAR® Mandatory Code of Ethics Training

- REALTORS® are required to complete ethics training of not less than 2 hours, 30 minutes of instructional time.
- The training must meet specific learning objectives and criteria established by the National Association of REALTORS®.
- We are currently in Session 8, 1/1/25-12/31/27
- The course may be taken online or in the classroom from an approved sponsor.
- fitzpatrickschool.com is approved for LVR members only.
- Everybody must have completed this by December 31, 2027.

You can upload your certificate through www.lasvegasrealtor.com. Once logged in and under your profile, you can click on either of the links shown in the green boxes in the provided screenshot. This will take you to a page where you can upload your certificate.

Unfortunately, the other associations would not cooperate with us when contacted. We even tried more than once. We tried!

This is only approved for LVR members.



IX. Quiz: Taken as a Group (not graded)

X. Final Discussions / Evaluations / Certificates

IS FAIR HOUSING REALLY FAIR?
QUIZ

1. In the early 20th century, many cities adopted guidelines prohibiting homeowners from selling or renting to individuals of certain races. These included:

   a. racially restrictive zoning ordinances.
   b. racial covenants in private deeds.
   c. boundaries for lending.
   d. All of the Above

2. The Federal Housing Administration (FHA) created maps that graded neighborhoods by perceived lending risk, often based on racial composition rather than financial metrics, effectively cutting off access to home loans and investment. This act is known as:

   a. blockbusting.
   b. redlining.
   c. steering.
   d. zoning.

3. The Civil Rights Act of 1866 (Reconstruction Act) protected which of the following classes of individuals, giving them the right to enter into contracts, to sue, inherit, acquire and dispose of property?

   a. race and color
   b. familial status
   c. handicap or disability
   d. All of the Above

4. Which of the following is *not* considered to be a protected class by the Fair Housing Act?

   a. religion
   b. family status
   c. gender
   d. age

5. Showing properties to a prospective buyer or tenant only in areas of the market, which are predominantly of the same ethnicity as the prospect, is considered:

   a. panic selling.
   b. redlining.
   c. steering.
   d. block busting.

6. Which of the following is *not* a violation of federal fair housing laws?

   a. refusing to sell a property because the prospective buyer is Irish.
   b. altering terms in a contract to lease a property because the prospective tenant is female.
   c. a private individual selling a single-family home to a family of four, provided he does not use a broker and does not use discriminatory advertising.
   d. denying service as a real estate professional because the prospective client is Korean.

7. With respect to the exemptions to the Fair Housing Act, the significance of Jones v. Mayer is:

    a. an exemption to the law cannot be made when using a real estate broker.
    b. an exemption to the law cannot be made based on race.
    c. an exemption to the law cannot be made based any of the protected classes.
    d. There is no correlation between the Fair Housing Act and the lawsuit Jones v. Mayer.

8. Unlike the Fair Housing Act, the Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against credit applicants on the basis:

    a. marital status.
    b. age.
    c. income from public assistance.
    d. All of the Above

9. The Americans with Disabilities Act (The ADA) protects which of the following as a protected class?

    b. vision or hearing impaired
    c. limited mobility or confinement to a wheelchair
    d. cancer patients
    e. All of the above