



“IS FAIR HOUSING REALLY FAIR?”



**3 Hours of Fair Housing
Continuing Education by Internet Delivery**

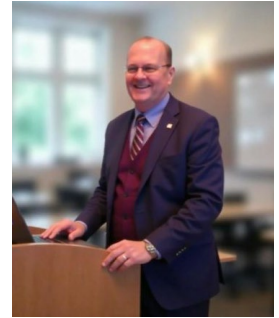
Approved by the Arizona Department of Real Estate

Participant Outline

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.

HOW IT WORKS

The student participant must:

- view all hour(s) of the video presentation (links are located on the website under the Internet course title).
- direct attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction and distracting.
- complete the “Online Video Worksheet” included in the course outline as you view the presentation, filling in the “Checkpoints” as they are displayed throughout the videos.
- take the quiz found in the outline.
- complete the course evaluation upon the conclusion of the course.
- submit the (1) Attestation, (2) Quiz answers, (3) Online View Worksheet, and the (4) Course Evaluation using the links provided directly above the videos.
- obtain score of 80% or more on the quiz and a score of 80% must be obtained on the Online Video Worksheet. A student, who tries to skip through the course and not devote the required hours, will not pass. The answers for the worksheet are sprinkled throughout the presentation.
- With a passing score on the quiz and worksheet, along with the submitted evaluation, a certificate will be emailed to you promptly.

ONLINE VIDEO WORKSHEET

The Arizona Department of Real Estate holds CE course sponsors, such as Fitzpatrick Real Estate School, accountable for the following regarding online/distance learning courses:

- verify that students watch the complete presentation and spend the appropriate number of hours required to earn a certificate;
- verify that students did not start the presentation and leave the presentation to run on its own without the student viewing it;
- evaluate the student mastery of the material;
- provide the student with support services and interaction;
- have a method to assess student performance during instruction.

To accomplish these goals, we have developed this “Online Video Worksheet” to accompany the videos we use to teach CE courses online. Throughout the videos, have embedded “checkpoints” that will prompt you to fill in the answers below.

In order to receive credit for the online course, you must answer the checkpoints correctly with a score of 80% and submit using the Online Video Worksheet link located above the three videos.

CHECKPOINT #1: _____

CHECKPOINT #2: _____

CHECKPOINT #3: _____

CHECKPOINT #4: _____

CHECKPOINT #5: _____

CHECKPOINT #6: _____

CHECKPOINT #7: _____

CHECKPOINT #8: _____

CHECKPOINT #9: _____

CHECKPOINT #10: _____

Student Name: _____ Date: _____

Course Title: Is Fair Housing Really Fair?

VIDEO: “Fair Housing Makes Us Stronger”**I. 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)

II. 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.

III. FEDERAL LAWS: CIVIL RIGHTS ACT OF 1866 AND 1964; AND 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, protected classes:

- 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.

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.

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.

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.

- A. 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.

B. 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.”

C. 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.

IV. 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.

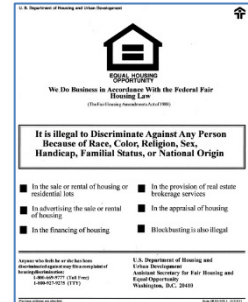
- **Mixed Messages About Neighborhood Safety**

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.

V. 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.

Logos



VI. 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 important 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).

VIDEO: NAR: Window to the Law - “Update on Fair Housing”

VII. THE ARIZONA CIVIL RIGHTS LAW

A. Overview

Arizona is one of the most demographically diverse states in the U.S.

The Arizona Civil Rights Act, enacted in 1965, combats discrimination and promotes fairness in employment, housing, public accommodations, and beyond. It was largely inspired by federal legislation such as the Civil Rights Act of 1964.

B. Historical Background

1. Civil Rights in Arizona Pre-1965

Before Arizona enacted its own civil rights legislation, discriminatory practices were widespread. Native American tribes, African American, Latino, and Asian communities faced discrimination in employment, housing, and education.

Restrictive covenants in housing prevented people of color from living in certain neighborhoods. As the national Civil Rights Movement gained momentum in the 1950s and 1960s, pressure mounted for states like Arizona to respond.

2. Passage of the Arizona Civil Rights Act

In 1965, Arizona adopted the Arizona Civil Rights Act (ACRA). It was designed to outlaw discrimination in employment and public accommodations. Later amendments expanded protections to housing and added categories such as age, disability, and pregnancy.

3. Legal Structure of the Arizona Civil Rights Law

The Arizona Civil Rights Act (ACRA)

The Arizona Civil Rights Act (A.R.S. § 41-1461 et seq.) prohibits unlawful discrimination in the areas of:

- Employment
- Public Accommodations
- Housing

The law protects individuals based on the following classifications:

- Race
- Color
- Religion
- Sex (including sexual orientation and gender identity, by interpretation)
- Age
- Disability
- National Origin
- Pregnancy and childbirth

4. State Enforcement: The Civil Rights Division

The Arizona Attorney General’s Office houses the Civil Rights Division (CRD), which is the state agency tasked with investigating complaints of discrimination.

The CRD can file legal actions on behalf of aggrieved individuals and to initiate policy reforms and partner with federal agencies to ensure compliance with civil rights laws.

5. Areas of Protection

Housing

Under the **Arizona Fair Housing Act** (A.R.S. § 41-1491 et seq.), it is unlawful to:

- Refuse to sell or rent a dwelling based on a protected class
- Set different terms or conditions for sale or rental
- Falsely deny availability of housing
- Use discriminatory advertising
- Coerce or intimidate individuals exercising their fair housing rights

The CRD works in partnership with HUD to investigate housing discrimination and provide relief where appropriate. Accessibility standards are also required in new multifamily dwellings to accommodate individuals with disabilities.

6. Public Accommodations

Arizona law prohibits discrimination in places of public accommodation, which include:

- Hotels and motels
- Restaurants and bars
- Theaters, stadiums, and other entertainment venues
- Retail stores and service establishments

Businesses cannot refuse service or set unequal terms based on race, religion, disability, or other protected characteristics.

VII. ARIZONA LAW

Under Arizona Revised Statutes Section 41-1491.14 and related laws, certain actions are considered illegal housing discrimination, including:

- Refusing to sell or rent a home after a genuine offer has been made, refusing to negotiate, or otherwise denying or making a property unavailable because of a protected characteristic (disability is addressed separately).
- Treating someone unfairly in the terms, conditions, or benefits of sale or rental, or in providing related services or facilities, based on a protected characteristic (again, disability is addressed separately).
- Publishing ads or notices about the sale or rental of a home that express a preference, limitation, or discrimination related to a protected characteristic.
- Telling someone a home is not available for viewing or renting because of a protected characteristic.
- Encouraging someone to sell or rent their property for financial gain by mentioning the arrival or potential arrival of a person with a particular protected characteristic in the neighborhood.

Section 41-1491.19 provides special protections against discrimination based on disability. It prohibits refusing to sell or rent, or denying access to housing, due to a disability of the buyer, renter, someone connected to them, or a person living or planning to live there. It also bans discrimination in sale or rental terms and related services or facilities. The law requires reasonable modifications and accommodations for people with disabilities, but does not require housing to be provided if the tenancy would pose a direct threat to others' health or safety or cause significant property damage.

Section 41-1491.02 outlines some exceptions to the fair housing laws. For example, the law does not apply to renting or selling rooms or units in buildings with no more than four families where the owner lives in one unit. It also exempts the sale or rental of single-family homes by owners under certain conditions. Additionally, Section 41-1491.04 states that the rules against discrimination based on familial status do not apply to housing designed for older adults.

Section 41-1491.22 explains how someone can file a housing discrimination complaint with the Arizona Attorney General, and claims must be filed within one year. Section 41-1491.31 describes how a person can file a civil lawsuit for housing discrimination, regardless of whether a complaint was filed first, and lawsuits must be brought within two years.

VIDEO: NAR Bias Override – “Overcoming Barriers to Fair Housing”

VIII. BIAS

Stereotypes vs. Prejudice

Let's define some important terms:

- A **stereotype** is a broad, often inaccurate idea or image about a person or group that leaves little room for individual differences.
- A **prejudice** is a preconceived opinion or attitude about a group or individuals in that group. While prejudice is usually negative, it can sometimes be positive, though either way, it's often incorrect.
- **Discrimination** means treating people differently based solely on their group membership.
- The problem with stereotypes and prejudices is that they tend to stick around, even when facts prove them wrong.
- **Implicit Bias**
Implicit bias happens when we unconsciously link certain stereotypes to groups of people. People often attribute negative traits to others outside their own group and positive traits to their own group. However, implicit bias can also happen within the same group.
- Someone might believe they are fair and support fairness openly, but their hidden biases can still cause them to behave in biased ways without realizing it.
- Harvard's Project Implicit created the Implicit Association Test (IAT), which millions have taken. The test measures how people connect different groups with positive or negative traits. For example, over 70% of white participants associated white faces with good qualities and Black faces with negative ones. Although the results are open to interpretation, this shows implicit racial bias.
- Because implicit bias operates beneath our awareness, it's hard to spot and overcome. Still, researchers are working on ways to help people reduce these biases. Both individuals and communities can take action to lessen their effects.

How Implicit and Explicit Bias Lead to Systemic Racism

Both conscious (explicit) and unconscious (implicit) biases have contributed to division and systemic racism. This lesson explores how society and neighborhoods, particularly through suburban development, were shaped by openly racist laws and real estate practices, as well as by the hidden biases of some community members. These biases blocked people of color from building wealth through homeownership in certain areas.

Dealing with Implicit Bias

Our implicit biases can hurt us and others around us. They might make people feel uncomfortable or offended, and cause us to feel uneasy or avoid situations without realizing why. The good news is we don't have to accept these biases as fixed — we can work to change them. This lesson will show how.

The American Academy of Family Physicians (AAFP) recommends using the acronym **IMPLICIT** to help address these biases.

- IMPLICIT stands for:
 - Introspection
 - Mindfulness
 - Perspective-taking
 - Learn to slow down
 - Individualization
 - Check your messaging
 - Institutionalize fairness
 - Take two

Let's take a closer look at these steps.

- **Introspection - Introspection** requires a person to assess and identify their implicit biases. How can you identify implicit biases when they happen on a subconscious level? An easy way to do this is to take a test that assesses your implicit biases. The Implicit Association Test (IAT) can help you begin to identify subconscious biases. It's surprising what you can learn about yourself when you take the time to reflect.
- **Mindfulness** - No, we aren't suggesting you take a meditation class to address implicit bias. But acknowledging your mindset is important. After we understand our biases, we then need to recognize we are more likely to act on implicit biases when we are under pressure or when we need to make decisions quickly. In short, **mindfulness** requires us to be aware of our implicit biases and how our moods can amplify these biases.

Think about a time when you were stressed. How did your conversation go? Poorly? Many of us look back at the conversations we had when under pressure and wish we had responded differently. Maybe we could all use some meditation practices to calm ourselves down before entering a situation. Take a deep breath in. Now breathe out.

- **Perspective-Taking** - Do you remember being told to put yourself in someone else's shoes? Well, perspective-taking requires just that. When addressing implicit biases, **perspective-taking** means seeing a situation from another person's point of view.

One way to avoid making people feel like outsiders is by asking questions instead of making assumptions. So, the younger employee Jamie could have asked, "Do you need help with anything?" or "What seems to be the problem?" Surely, many of us would feel more comfortable working in a place where we are asked questions instead of feeling judged.

- **Learn to Slow Down** - Phone calls, emails, text messages, clients, consumers, open houses, friends, and family ... there is no doubt about it, we live in a busy world. As a good real estate agent, you'll want to find as many people a home as possible, meaning you want to be highly productive. Yet, being highly productive can cause many of us to jump to conclusions. Unfortunately, implicit biases can easily arise when this happens.

As challenging as it may be, you may need to **slow down** and change your thought process. This means taking a minute to remind yourself of positive memories and thoughts about people from a certain age group, ethnicity, race, or sexual orientation. Maybe that positive thought is of a friend, family member, co-worker, or neighbor. A person is more than the perpetuated stereotypes found in our society. At the end of our busy days, people are people. It is your job to treat them as such.

- **Individualization** - People are not defined by their groups—people are individuals with different hobbies, aversions, and life aspirations. **Individualization** requires you to treat people as individuals. When dealing with implicit biases, we must look at people as individuals. Instead of stereotyping, try to get to know people for who they are. In this same example, you may notice the consumer is carrying a book of poetry, comes to an open house wearing workout clothes, or is making beats on their lap as they wait. You can ask questions about their interests, which will help you to think of them as individuals.
- **Check Your Messaging** - Instead of claiming to be blind to a person’s age, gender, race, or color, it is better that we acknowledge and embrace our differences. In recent years, companies have begun to pride themselves on being inclusive. Many large companies like Apple, GM, and Salesforce use inclusivity in their messaging. As a real estate agent, you can adopt an inclusive work environment. Even though you are not a large company, using statements that embrace inclusion is a good way to **check your messaging**.
- **Institutionalize Fairness** - Similar to “check your messaging,” **institutionalize fairness** asks organizations to embrace and support inclusivity in the workplace. There are ways to stop discrimination before it starts. In Los Angeles, for example, the City of Los Angeles Civil & Human Rights and Equity Department has information about its Equity and Empowerment (E²) pillar that is helping to level the playing field. You’ll find a link to the department in your resources for more information.
- **Take Two** - Implicit bias is challenging to overcome. In our final step, **taking two** reminds us we can make mistakes and learn from them. After all, we have a lifetime to deprogram our biases. We can acknowledge our implicit biases in the moment, and if we make someone uncomfortable, we can apologize. When we make a mistake, we can also learn from that mistake.

**VIDEO: Jimmy Kimmel Live! – “Juneteenth”
(Funny? Or Not So Funny?)**

**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?
 - a. vision or hearing impaired
 - b. limited mobility or confinement to a wheelchair
 - c. cancer patients
 - d. All of the above
10. The Arizona Civil Rights Act prohibits unlawful discrimination in the additional area of:
 - a. sexual orientation
 - b. gender identity
 - c. pregnancy
 - d. All of the Above