

Preparing Your List and Checking it Twice...

By Brian F. Westrin, J.D. Manager of Legal Affairs

As many of you know, in early 2007 MAR began a voluntary testing program aimed at Fair Housing education and compliance. The program is founded on a growing partnership with the various Fair Housing Centers across Michigan that enables MAR and participating brokers to go through confidential testing of members and their employees at a specific participating brokerage. As a result of the tests conducted thus far, MAR has gleaned a growing understanding of the most common misconceptions about testing and about fair housing law in general.

In conjunction with the Fair Housing Center of West Michigan, MAR set out to create a checklist approach to the most common misconceptions about fair housing law. I'd like to take the time in this article to provide brokers, salespeople, and support staff with key concepts that should be in the front of their minds when they work with any customer or client. Many thanks go out to Nancy Haynes and Regina Davis at the Fair Housing Center of West Michigan for their invaluable input.

COURTESY – It is important to work through exactly how a prospect is received by either the secretary or the salesperson? Are prospects offered a seat? How long must they wait before someone offers them services? Are they offered brochures and/or literature? Are they shown multiple listings books? Are they offered immediate services regarding showings of homes or are they told that someone will phone them either that day or the next day for potential showings? With regard to courtesy, the law requires that all clients and home seekers be treated alike. If equal professional services are offered to all, there is no violation of the law. As well, if equally terrible service is provided to all prospects than you will still be compliant under the law but likely out of business.

INTERVIEWING – Getting a handle on the particular interests and the market that the prospect is hoping to enter is a particularly sensitive situation. During the interview process it is imperative that every prospect is being asked the same questions concerning price range, type of housing preference, type of features desired (such as garage, basement, yard area), initial investment and financing desired? Are all prospects being asked the same, less frequent, questions such as: spouse's income, ownership of another home, debt obligations, alimony, spouse's employment references, charge accounts and bankruptcies? If the prospect takes charge of the interview and narrows the housing search on their own accord then the agent should attempt to search accordingly. If inquiries are made of some prospects, they must be made of all prospects.

FINANCIAL INFORMATION – It is essential that information on the different types of financing available and the rates that are prevalent as of the date of inquiry are given to all prospective clients. To do so, your office should have updated mortgage information summarized on a ledger sheet that can be shown to prospects. Be careful not to make any comments that financing may be difficult to obtain. Allow the lender to make that assessment. Note: If financial information is provided to some prospects, it should be provided to all prospects.

HOUSING AVAILABILITY – It is important for a salesperson to be aware of the number of available

housing choices that are ready for immediate inspection. For many agents this comes down to entering criteria into the computer and receiving a detailed and often exhaustive list of options. Be certain to include all homes that fit within the criteria given to you by the client. Also, do not assume that the client understands the way in which the search may be altered by the slightest change in a entered variable. If a home meets the buyer's preference, do not omit showing it. Be careful to suggest the identical number and types of homes to both protected and non-protected classifications – or take care to explain the reasons why the given criteria may have created limitations in possible listings. Do not suggest listings to unprotected prospects and in turn wait for prospects from a protected class to request they be shown the same listings. Do not suggest that protected prospects drive through a neighborhood and, at the same time, show non-protected home seekers through the interiors of homes. Note: The content, quality and quantity of the information provided as well as the level of service provided to minority and non-minority prospects should be equal.

LOCATION – Show all prospects the same locational choices unless you are specifically requested to show homes only in certain areas. All homes that fit the buyer's preferences must be shown in order to give a prospect as wide a freedom of choice of housing as possible. Be certain that it is the buyers' request and not your suggestion that determines the areas in which housing is sought. Requests for information and comments related to area schools should be objective and prospects should be referred to source documents to do their own inquiry. Generally, the fair housing centers advise against offering advice on schools. However, if you are going to offer this type of advice you would be wise to have a comprehensive amount of information to present to the prospect regarding all the school in the area. Note: Make sure that the prospect leads the narrowing of the search and make note of the way that the search was conducted.

FOLLOW UP PLAN – Make sure the plan is consistent with regard to all prospects. If your brokerage has the practice of requesting contact information for a call back and receives the information but doesn't make a call back to a member of a protected classification then it is necessary to look at the internal policy. If the request is made for contact information and the prospect does not have a phone or does not wish to give that information then it should be noted by the salesperson that the prospect did not leave information for a follow-up. This goes along with the Courtesy component of this article. It doesn't matter if your follow-up plan is consistently bad or consistently great – so long as it is consistent and equal. However, if your level of treatment is unequal then you should take a hard look at your internal policy for making follow-up contact.

Hopefully this approach is helpful to taking a look at where fair housing violations can evolve from. It is the hope of MAR and the Fair Housing Centers that we can continue to conduct testing and bring sound educational tools to the membership. Analyzing the above categories at your particular office may help give a better structure and approach to how you treat your customers and clients.

Contributions from Nancy Haynes & Regina Davis at the Fair Housing Center of West Michigan