

**MICHIGAN
REALTORS[®]
PRESENTS**

THE FAIR HOUSING CHECKLIST
APRIL 9, 2026
MICHIGAN REALTORS[®] HQ
LANSING, MI

10:00 - 11:00 AM

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A quick refresher...

What is Fair Housing?

- Fair housing is the right of individuals to obtain housing of their choice **free from discrimination** based on protected classes under federal, state, and/or local fair housing laws.
- Fair housing laws prohibit discrimination in housing transactions such as rentals, sales, lending, and insurance. They also cover land use and zoning.
- Housing discrimination means unfair treatment **BECAUSE OF** a protected class.



What is Prohibited Under Fair Housing Law?

If *because of* a protected class, it is unlawful to:

1. Refuse to sell (or rent) a dwelling;
2. Steer individuals toward or away from housing;
3. Advertise or publish discriminatory notices with regard to the selling or renting of a dwelling;
4. Misrepresent the availability of a dwelling;
5. Blockbust, i.e., using racial or other prohibited motives to induce or attempt to induce an individual to sell or rent a dwelling for profit;
6. Refuse to provide services in connection with the sale or rental of a dwelling;
7. Engage in conduct that makes dwellings unavailable;
8. Deny "access to membership or participation in any multiple-listing service, real estate brokers association, or other service . . . relating to the business of selling or renting dwellings."; and
9. Coerce, intimidate, threaten, or interfere with individuals for exercising or aiding others in the exercise of their rights under the Act.



Who is Protected?

FEDERAL

- Race
- Color
- Religion
- Sex
- Disability Status
- Familial Status
- National Origin

STATE OF MICHIGAN

- Race (expanded definition under 2023 CROWN Act)
- Age*
- Sexual Orientation
- Gender Identity or Expression
- Marital Status
- Source of Income (residential leasing only)

**Exceptions for certain types of senior housing under Housing for Older Persons Act (HOPA)*



Local Fair Housing Laws

- Some cities across Michigan have adopted Fair Housing, Human Relations, or Non-discrimination ordinances.
 - These ordinances generally mimic federal and/or state protections.
 - However, some of these ordinances **EXPAND** the protected classes further to include classes not protected at the federal or state level, such as **veteran status**, **arrest record**, **educational association**, **political affiliation**, **height**, and **weight**.
- **Note: Some local ordinances prohibit source of income discrimination, and do not exempt smaller landlords like Michigan's source of income protection does.**



Local Fair Housing Laws

How do you know what is protected in your community?

1. Check with local municipality/website.
2. Check with your local Fair Housing Center...
3. Free code libraries:
 - **Municode:**
<https://library.municode.com/mi>
 - **American Legal Publishing:**
<https://codelibrary.amlegal.com/regions/mi>
 - **Michigan State University College of Law: Ordinance and Code Library**
<https://law.msu.edu/current-students/library/local>

TIP: Know and **USE** the list of protected classes that apply where you work! Anytime that you find yourself discussing a protected class, do a fair housing review to evaluate for any risks.



Why It Matters

- Equal housing means you can choose the neighborhood you live in, because where you live often determines your access to quality **education, employment options, reliable transportation, and safe, healthy environments.**
- Understanding fair housing protects you.
- Understanding fair housing protects your business/employer.
- **Fair Housing best practices ARE good business practices.**
 1. Cast a broader net for potential clients.
 2. Can streamline your policies and processes.
 3. Eliminates risk.



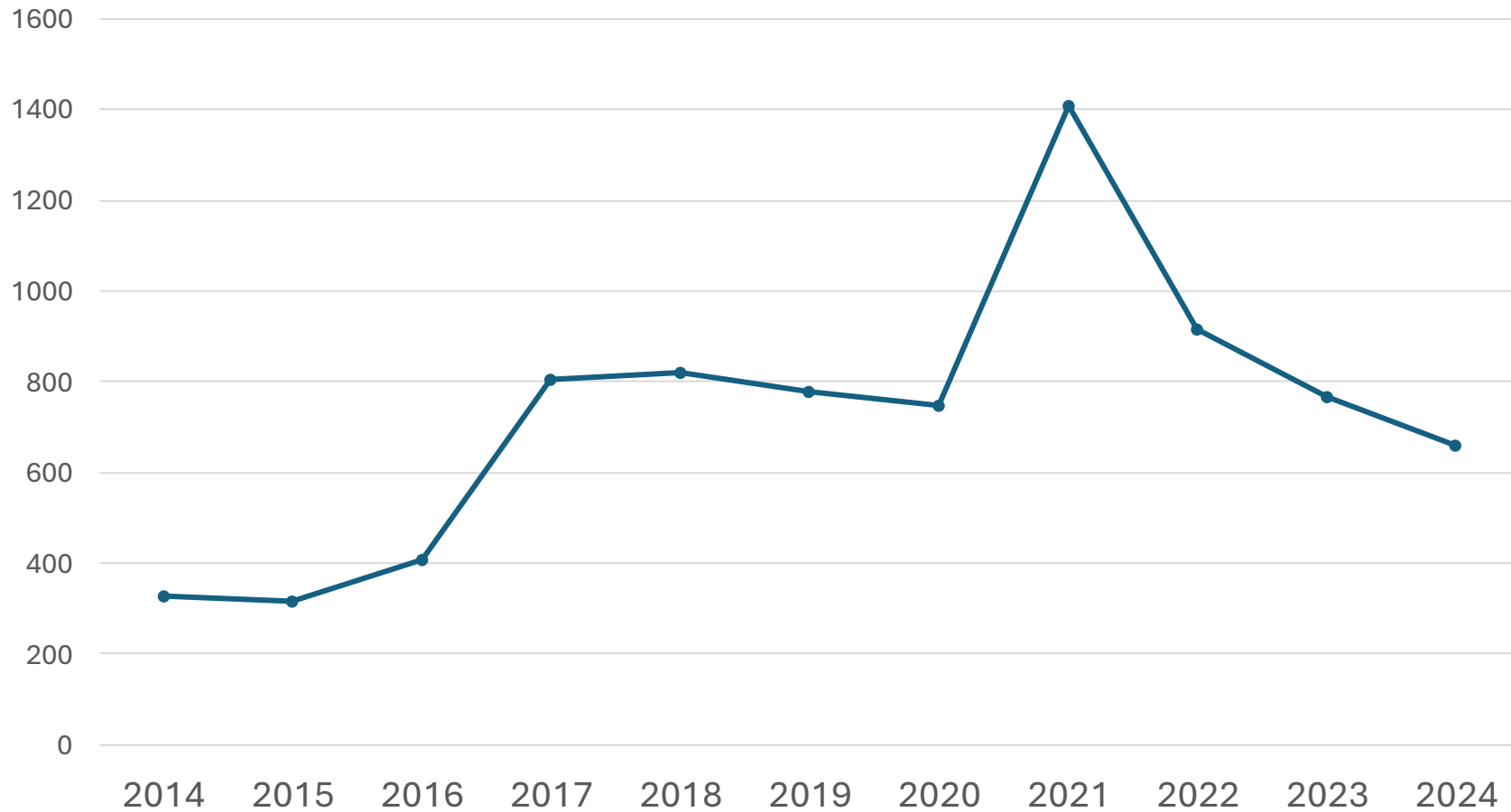
State of Fair Housing

National State of Fair Housing

- According to the National Fair Housing Alliance (NFHA) Trends Report, there were **32,321 fair housing complaints** received by private non-profit fair housing organizations, US Dept. of Housing and Urban Development (HUD), state agencies, and the Dept. of Justice (DOJ) in 2024.
- Private, non-profit fair housing organizations processed 74% of complaints.
- The 32,321 complaints received in 2024 is a drop from the 34,150 complaints filed the previous year (difference of 1,829 or 5.5%). However, there was also a 5% drop in agencies available with capacity to receive complaints.



National Sales Complaints 2014-2024

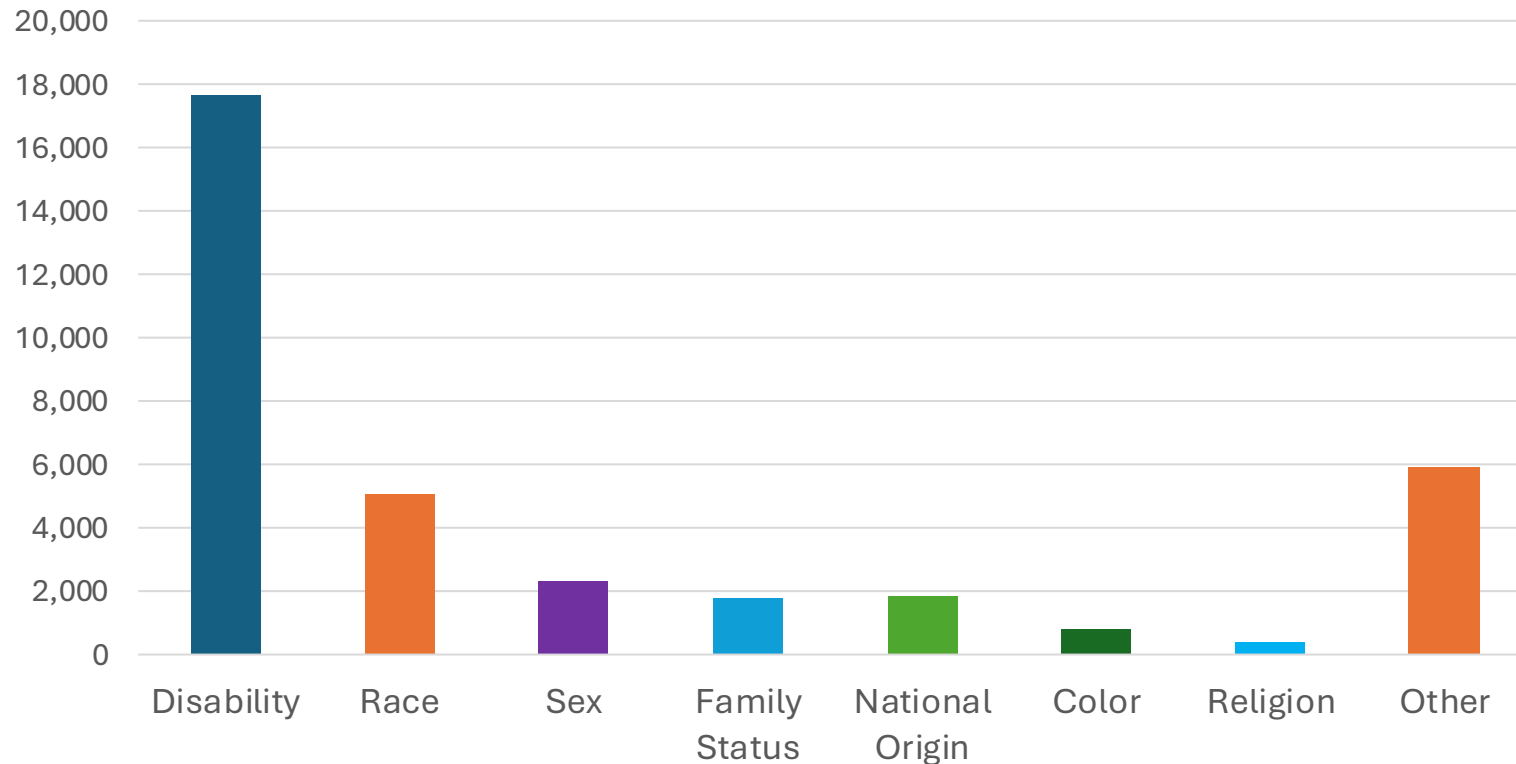


Source: National Fair Housing Alliance 2015-2025 Trends Reports



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National Complaints in 2024



- **Disability** complaints continue to be the highest basis for complaints at **55%** of all housing complaints.
- **Race** is the second largest basis for complaints at **17%**.

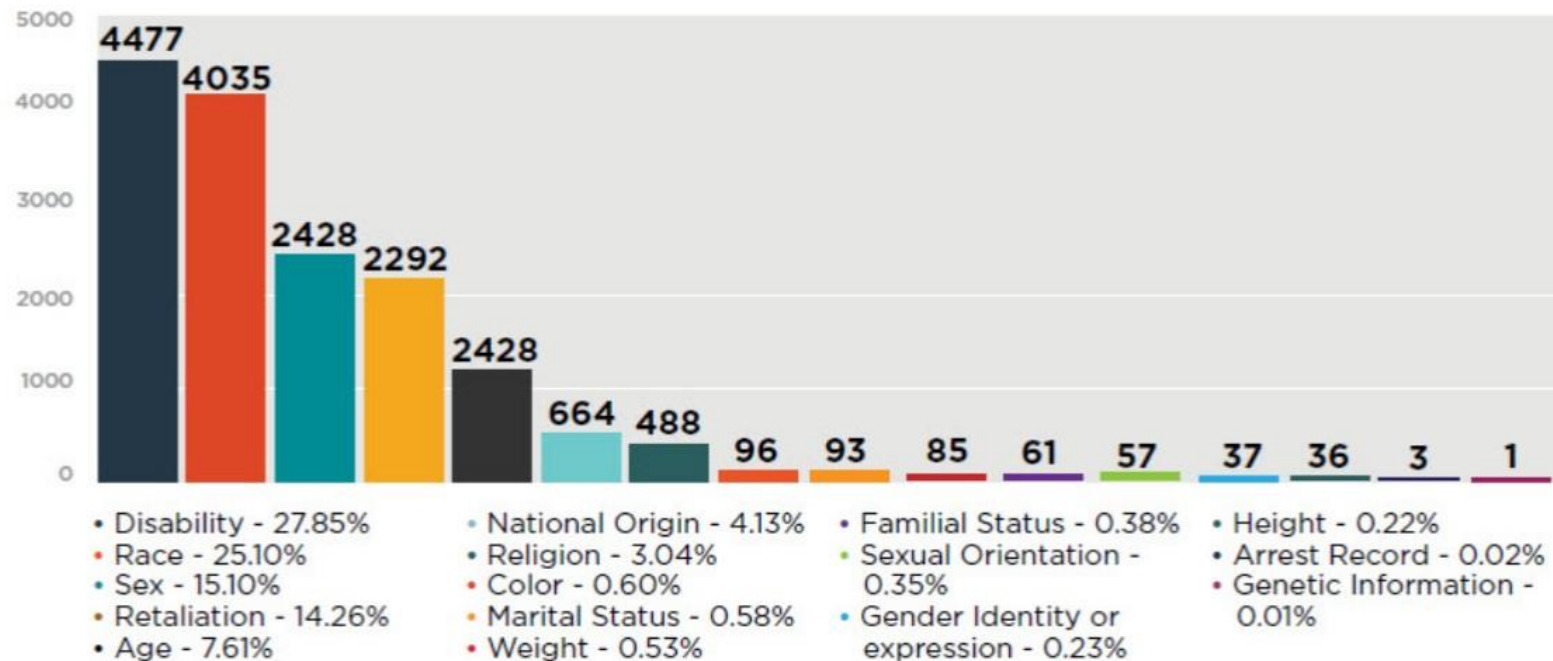
Source: National Fair Housing Alliance 2025 Trends Report



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Michigan Department of Civil Rights (MDCR) FY 24 Complaints

Formal Complaints Filed by Basis



MDCR closed 2,081 complaints and secured \$1,833,081 in settlements for claimants.

- 57% Employment
- 23% Public Accommodations/Service
- **11% Housing**
- 5% Education
- 4% Law Enforcement

NOTE: 1. A complaint may have multiple issues with more than one basis; the data may not reflect the total number of certified complaints for that period. 2. Cases may be opened and closed throughout the investigative process; results may vary when subsequently queried.



The Fair Housing Checklist

1. Advertising

- Both the federal and state fair housing laws prohibit discriminatory advertising by making it illegal to **make, print, or publish, or cause to be made, printed, or published** any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates **any preference, limitation, or discrimination** based on one or more of the protected classes.
- **Best Practice Tip:** Use a **BROAD** marketing strategy. It brings in more business across the board, and it is also a fair housing best practice.



1. Advertising

Remember that advertising under the Fair Housing Act is broadly defined. Advertising includes promotional materials, print or online advertisements, and written or verbal notices and statements.

- Exercise caution in all statements made in emails, text messages, voicemails, online messaging, etc.
- Review all statements and ads (including flyers, brochures, deeds, signs or banners, or any document used with respect to a home sale or rental) for any fair housing risk before disseminating.
- Describe the property, not the people. Avoid phrases like “perfect for” or “ideal for.”**
- Minimize the use of human models or be inclusive of as much representation as possible across the protected classes.
- Include the fair housing logo and/or the “Equal Housing Opportunity” slogan in your advertising.
- Use advertising outlets and online tools that reach the broadest audience possible. **Broaden – don’t restrict – your market.**



2. Website

It's important to take steps to create a more inclusive online environment. Is your website easy to read and navigate? Is it accessible?

- Use free online Accessibility Checkers.
- Incorporate accessibility features into your website design, such as a button to change the contrast, or an option to increase/decrease font size for users.
- Make sure that you maintain sufficient color contrast (dark text on light background, for example).
- Look at the type of font that you use. While it is tempting to use decorative fonts, such as those that mimic handwriting, it can interfere with its readability. Sans-serif fonts (e.g., Arial, Calibri, Tahoma, etc.) are generally more accessible for web use because they appear cleaner and simpler than other fonts, making them easier to read on screen.
- Avoid using too many fonts, and too small of a font size.



3. Social Media

The same rules apply to social media platforms as in Advertising. Any social media policies should include fair housing compliance.

- ❑ Never limit your ad reach by any characteristic tied to a protected class. For example, do not exclude certain audiences or neighborhoods in settings.
- ❑ Consider all protected classes especially if depicting people; this includes avatars, animated characters, and illustrations.
- ❑ Posts must not position your listing as more or less suitable for someone based on membership in a protected class. Avoid references to racial or ethnic terms, religion, exclusions based on disability, and limitations based on familial status.
- ❑ **You are likely a “publisher.” Regularly review all social media posts and comments, especially with a fair housing lens.**
- ❑ Display the Equal Housing Opportunity logo, share fair housing information.



4. Identity Verification and Screening Tools

Ensuring the safety of realtors through effective protocols is paramount. All policies and practices regarding identity verification and screening should also consider fair housing.

- ❑ Regularly review and update policies and procedures if needed to ensure consistency in all verification and screening tools used.
- ❑ Adopt structured meeting and check-in protocols: Meet all new clients in public or office settings first, share showing schedules with a colleague, encourage paired showings, and use daylight appointments and secure parking for added safety.
- ❑ **Engage in bias-aware safety training so that agents distinguish GENUINE RISKS from STEREOTYPES.** This emphasizes safety and privacy while also ensuring compliance with fair housing and consumer protection laws.
- ❑ For agents who choose to use screening tools, adopt recommended policies and procedures on how to appropriately respond when a concern arises. The policies and procedures should emphasize practices that do not lead to lost housing opportunities.



5. Courtesy and Service

Real estate is all about relationships, so being courteous and providing good service is critical to success. Think through the prospect's experience from their perspective as if you are a new client yourself. Ask yourself:

- **What is their experience like in-person?** How are they received/treated? Are they offered printed materials? Are they immediately offered to be shown properties, or are they told that someone will contact them for potential showings?
 - ❑ Review your processes and ensure that protected characteristics are not being considered.
- **What is their experience like by phone?** How quickly are return calls made? Does every message get a response? If not, why?
 - ❑ Have an established communication plan, such as calls (and other inquiries) are returned within 2 business days.
- **What is their experience like online?** How quickly are email or web form inquiries addressed? Is your website user friendly and accessible? Is your social media up to date?



6. Interviewing and Qualifying

Getting a solid understanding of the particular interests and market that the prospect is interested in is an important part of fair housing compliance.

- Avoid making assumptions on likes or dislikes and qualifications of prospects.
- Use open-ended questions to avoid any assumptions being made.
- Prospective clients should be asked the SAME QUESTIONS concerning price range, housing preference, timeframe, desired features, initial investment, preapproval, financing, etc.**
- Allow the prospect to define the type of housing, location, and amenities of their choice.
- Document their specifications and follow them as closely as possible.
- Check in as the search progresses or if changes/narrows and update documentation with any changes.
- If specific inquires are made of some, they should be made of ALL.** (Example – pre-approval letter, ID verification, proof of income). Establish a process that works best for you to ask appropriate questions CONSISTENTLY.
- Review these processes regularly to ensure no one receives less favorable service based on a protected class.



7. Financial Information

It is essential that accurate information on the different types of financing available and current rates is given to ALL prospective clients.

- ❑ Have updated mortgage information on hand that can be shown consistently to prospects.
- ❑ Avoid comments about financing, such as that it may be difficult to obtain. **Allow the lender to make the assessment.**
- ❑ **Think about providing consistent information, resources, and referrals.**
 - If **financial information** is provided to some prospects, it should be provided to ALL prospects (for example, info on types of loan products) .
 - If you are sharing any **resources** with some prospects, they should be shared with ALL prospects (for example, first-time homebuyer incentives).
 - If **referrals** are made to lenders or others, make them **consistently** and ensure that they are familiar with and utilizing best practices under fair lending and fair housing laws.



8. Housing Availability

It is important 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 and receiving a detailed and sometimes extensive list of options.

- Do not assume that the client understands the way in which the search may be altered by the slightest change in a variable.
- Be careful to suggest a similar number and types of homes across protected classes or take care to explain the reasons why the given criteria may have created limitations in possible listings.
- Be certain to include all homes that fit within the criteria given to you by the client.**
- If a home meets the buyer's preference, **do not omit showing** it based on your own **preferences and assumptions** about what would be “most suited” for that buyer.
- The content, quality, and quantity of the information provided as well as the level of service provided to all prospects should be equal.
- Do not suggest that one prospect drive through a neighborhood and, at the same time, show another prospect through the interiors of homes.



9. Location

Fair housing laws are about choice, including where someone wants to live.

- ❑ **Be certain that it is the BUYERS' REQUEST and NOT YOUR SUGGESTION that determines the areas in which housing is sought.**
- ❑ Show all homes that fit the buyer's specified preferences in order to give them as many choices as possible.
- ❑ Document their requests and preferences, including where they specifically requested to be shown homes; keep it updated if they change.
- ❑ Document any incidences of statements that you feel may have a fair housing implication and follow your policies for next steps if needed.
- ❑ **Comments related to area schools should be objective, and prospects should be referred to neutral sources to do their own inquiry.**
 - **NOTE: The best practice is not to offer advice on schools.**
 - However, if you do, you would be wise to have a comprehensive amount of fact-based information to present to the prospect regarding all the schools in the area.
- ❑ **Answering any questions on demographics can raise potential fair housing issues.** Direct prospects to neutral sources that they can access on their own. If you are asked or pushed to answer, rely on fair housing laws to state that you cannot provide information on any protected classes.



10. Follow-up Plan

Communication is key to good business and good fair housing practices. People who do not receive any follow up may wonder why they are not being contacted or taken seriously. You also may lose an excellent prospect.

- Make sure your communication plan ensures consistency in communication with regard to all prospects.
- Be sure to evaluate your plan on an ongoing basis. If your level of treatment is unequal, you should take a hard look at your internal policy for making follow-up contact.
- If you request contact information for a callback, ensure that it actually happens. If it doesn't, why? Review and update the internal policy.
- If the prospect declines follow up, it should be noted that they did so.



Case Studies

Learning from Testing, Investigations, and Cases

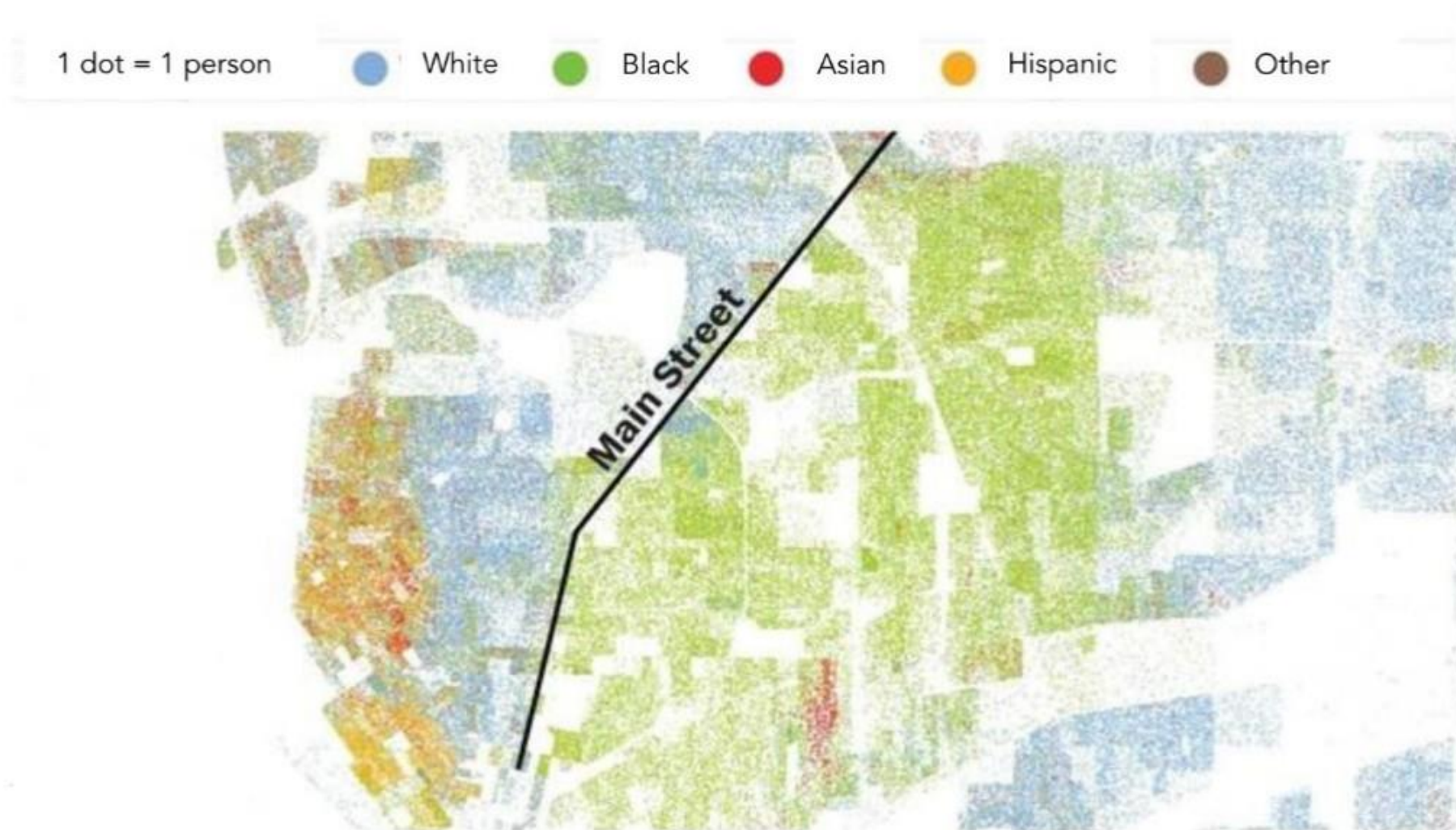
HOME v. Avant Realty (NY)

FACTS:

- In 2022, the Buffalo-Niagara Association of Realtors (BNAR) contracted with a fair housing center, Housing Opportunities Made Equal (or HOME) to engage in testing of its members to assess their compliance with anti-discrimination laws.
- Charles Glander (founding broker of Avant Realty), and a realtor-member of BNAR, was listed by BNAR as one of Buffalo's top 30 Buyers' Agents.
- HOME chose to test Glander based on his position as a prominent buyers' agent in the region. The investigation revealed multiple concerns, including **steering** and **differences in treatment**.
- According to the complaint, Avant's behavior "**contributed to residential segregation in the Buffalo-Niagara Falls metropolitan area**" including:
 - Actions that "uniformly discouraged white testers from seeking housing in majority-Black neighborhoods of East Buffalo"; and
 - Making "disparaging, racially charged comments about majority-Black neighborhood."



Buffalo, NY



Source: U-Va. Cooper Center analysis of 2010 Census data, The Washington Post.

HOME v. Avant Realty (NY) cont.

Claim #1: Steering

- Glander allegedly told HOME's white testers:
 - To avoid "unsafe" neighborhoods on Buffalo's predominantly Black east side and instead consider options in areas like North Buffalo (but did not say the same to non-white testers).
 - That the East Side is where "**you would have gun shots**" and that they should see if a house "**looked like a crack house**" before deciding to make an offer.
 - In general, recommended several neighborhoods, but did not recommend homes in any eastside neighborhoods, where the city's majority-Black neighborhoods are.
- Unprompted, he discussed redlining with a Black tester and told her that:
 - He would show her all the neighborhoods and not steer her away from any; but
 - Then asked her if she could fight or not, as it would determine where to search for houses.



HOME v. Avant Realty (NY) cont.

Claim #2: Difference in treatment based on race

- Glander allegedly asked a Black tester about preapproval and requested that the tester bring the preapproval letter to the meeting; he didn't require that of the white tester.
- Allegedly, Glander also limited options for HOME's Black testers, claiming that he only discussed four neighborhoods per meeting; he discussed ten neighborhoods at the meeting with white homebuyers.
- He failed to provide information about first-time homebuyer grants or contacts for home inspectors or loan officers consistently.



HOME v. Avant Realty (NY) cont.

RESOLUTION:

- Avant Realty and its founder and real estate broker Charles Glander agreed to settle the lawsuit in which HOME alleged that Avant repeatedly engaged in unlawful racial steering practices in Buffalo, New York.
- Under the terms of a stipulation of settlement, Avant and its employees, brokers, and other agents will not discriminate on the basis of race, color, national origin, immigration status, or other protected categories. Avant will:
 1. Not engage in racial steering
 2. Adopt an agreed-upon nondiscrimination policy
 3. Receive training, at which agents are mandated to attend
 4. Keep all applications for 2 years, make them available for inspection
 5. Agree that they may be subject to future testing
 6. Will pay HOME a total of \$10,000.



FACTS:

- A prospective homebuyer inquired about the sale of a condominium.
- The buyer alleged that an Alabama real estate agent working for LLB&B refused to show the unit to him based on his race.
- The agent inadvertently left a voicemail with the buyer indicating she did not wish to deal with him because he is African-American.
- In the message, the agent, referring to the white neighbors who lived near the condominium, allegedly stated, ***“Those people will panic when they see a black person drive up and look at it.”***
- She added: ***“I called him back. He didn't answer so that was good! If I didn't call him back, he could sue me for prejudice.”***



RESOLUTION:

- The buyer filed a complaint with HUD and shared the recording with a HUD investigator assigned to the case; HUD determined that discrimination had occurred.
- The HUD investigator shared the recording with the owners of LLB&B, who then terminated the agent's employment.
- LLB&B denied all charges and allegations of having violated the statutes in the complaint but entered into a conciliation agreement.
- Under the terms of the agreement, LLB&B agreed to:
 1. Pay the buyer \$29,000;
 2. Require fair housing training for all its agents and employees, and
 3. Include the fair housing logo in all its advertising.



#3

Brown v. Hardick (Rhode Island)

FACTS:

- The Browns, a Black married couple, alleged that they (and their real estate agent) had viewed a property for sale and owned by the Hardick's in Rhode Island.
- The Browns immediately submitted a bona fide offer to purchase the property for a price of \$550,000 after viewing the property. A second couple also made an offer the same day.
- Through their agent, the Hardicks responded to both possible buyers with a purchase price of \$569,000 with accompanying specific contingencies:
 1. A required earnest money deposit of \$25,000, and
 2. An agreement to close on the property on or before July 15, 2020.
- The Browns unconditionally accepted the counteroffer.



#3

Brown v. Hardick (Rhode Island)

- The Hardick's (the sellers) agent informed the Browns' agent that their offer had been accepted; A copy of the Purchase and Sales Agreement (PSA), reflecting the agreed upon terms, was signed by the Browns (the buyers) and forwarded through the agents to the Hardicks for their review and signature.
 - **NOTE:** The PSA represented the first time the names of the buyers (Todd Brown and Ebony-Clinton Brown) were made known to the Hardicks.
- Mrs. Hardick then asked her agent if one of the buyers was "black," due to the buyer's first name, "Ebony." Her agent responded "yes."
- Upon learning of the race of Mrs. Brown, Mrs. Hardick told her agent that she was refusing to sell the property to an African American and was backing out of the deal.
- The following day, the Hardicks sent a text to their agent purporting to withdraw the listing, and thereafter, upon receipt of an executed withdrawal of Listing Form signed by the Hardicks, their agent delisted the property.



Brown v. Hardick (Rhode Island)

The Good:

- In response, and according to an affidavit submitted by the Hardicks' agent, the agent informed the Hardicks that she could not continue discussions with them due to their alleged refusal to sell their home to an African American couple and immediately reported the conversation to her broker.
- The agent subsequently withdrew the listing upon the Hardicks' request and ceased all further communication with the Hardicks.

The Bad:

- The Browns were discriminated against.
 - While the listing agent's response was appropriate, this does not erase the experience of the Brown family.
- **The case is ongoing and has been transferred to the District Court of Rhode Island.**



**Collaborate with your local Fair
Housing Centers!**

Thank you for joining us!