**Unit 9**

**Lecture Outline**

**LEARNING OBJECTIVES**

When the student has completed this unit, they will be able to accomplish the following.

* Explain the historical overview of fair housing, how the ADA and Fair Housing Act relate to assistance and service animals, how an integrated society sustains and advances real property values, as well as sources of income and subsidy programs.
* Explain how institutionalized discrimination, especially within lending sources, continues to underwrite and sustain segregated communities.
* Explain how diversity, equity, and inclusion align with fair housing, including how the effectiveness of implicit bias training creates inclusive leadership, as well as how cultural competency training creates diverse communities.

**KEY TERMS**

caregiver

citizenship

domestic partner

duplex building

inconsistent services

injunction

lawful occupation

policy and procedures manual

vicarious liability

**LECTURE OUTLINE**

**I. UNEQUAL ACCESS TO OPPORTUNITY IN HOUSING**

1. The legacy of segregation, unequal treatment, and historic lack of access to opportunity in housing
2. Unequal access to amenities and resources on the basis of race, disability, and other protected characteristics

**II. DISCRIMINATORY PRACTICES**

1. New Department of State Regulation
2. Article 15 Human Rights Law § 296 Unlawful Discriminatory Practices

**III. PROTECTED CLASSES**

1. Protected classes in New York State
   1. Age
   2. Race
   3. Religion
   4. Color
   5. Sex
   6. Sexual orientation
   7. National origin
   8. Marital status
   9. Domestic violence victim status
   10. Physical or mental disability
   11. Military status
   12. Familial status (persons with children under the age of 18)
   13. Gender identity
2. Diverse society
   1. Areas containing diverse groups of residents will generally produce at a minimum:
3. economic growth
4. sustained property values
5. cultural contributions
   1. Contributing factors to this statement can be found in some of the following areas and activities of a local economy:
      1. As skilled labor
      2. As consumers
      3. As owners of new business or trades
6. Licensees must be familiar with and aware of all fair housing and human rights laws. This includes understanding and identifying the differences in:
   1. Federal fair housing laws
   2. New York Human Rights Law
   3. Local housing laws
7. Federal laws
   1. Civil Rights Act of 1866—race (with no exceptions)
   2. Civil Rights Act of 1964
   3. Federal Fair Housing Act of 1968—race, color, religion, national origin
   4. Community Development Act of 1974 (amendment to 1968 law)—sex or gender (this now includes gender identity and sexual orientation)
   5. Fair Housing Amendment Act of 1988—familial status and disabilities (physical and mental)
8. Protected classes that are covered under the New York Executive Law (but NOT included under the Federal Fair Housing laws):
9. Age
10. Sexual orientation (now also covered under federal law)
11. Military status
12. Marital status (some exceptions)
13. Victim of domestic violence
14. Gender identity (now also covered under federal law)
15. Federal exceptions: Fair housing, fair lending and ADA laws
    1. The sale or rental of a single-family home is exempted when the home is owned by an individual who does not own more than three such homes at one time and when the following conditions exist:

a) a broker, salesperson, or agent is not used (real estate licensees); and

b) discriminatory advertising is not used. Only one such sale by such an individual is exempt from the law within any 24-month period, when the seller is not the current or most-recent occupant of the home.

* 1. Under the federal laws, the rental of units is exempted in an *owner-occupied one- to four-family dwelling* (but again, discriminatory advertising and the services of a real estate licensee may not be used).
     1. However, New York State fair housing laws are more restrictive. The state restricts this exemption only to a duplex (defined as a two-family home) property where the owner or a member of the owner’s family resides in the other unit.
  2. Dwelling units owned by *religious organizations* may be restricted to people of the same religion, if membership in the organization is not restricted on the basis of race, color, national origin, handicap, or familial status
  3. A *private club* that is not in fact open to the public may restrict the rental or occupancy of lodgings that it owns to its members, as long as the lodgings are not operated commercially
  4. Housing developments intended for older persons may exclude children without violating the Fair Housing Act if such developments are occupied solely by persons 62 and older, or if 80% of the units are occupied by at least one person 55 or older and there are policies and procedures adhered to demonstrating an intent to provide housing for persons 55 or older.

1. State exceptions: Fair housing, fair lending, and ADA laws
   1. Public housing that may be aimed at one specific age group
   2. Restriction of all rooms rented to members of the same sex
   3. Rental of a room in one’s own home
   4. Restriction of rentals to persons 55 years of age or older
2. Local regulations
   1. HUD advertising guidelines
   2. Examples of fair housing issues

**IV. FAIR HOUSING LAWS**

1. New York Executive Law
2. Commercial real estate
3. Recognizing and resolving discriminatory situations

**V. PROHIBITED ACTS**

1. Threats or acts of violence
2. Americans with Disabilities Act of 1992
3. New York City Human Rights Law
   1. Discriminatory harassment
   2. Housing
   3. Public accommodations
   4. Retaliation
   5. Employment
   6. Bias based profiling by law enforcement
   7. Additional protected classes under the NYC Human Rights Law include:
      1. Race
      2. Religion/creed
      3. Color
      4. National origin
      5. Sex/gender (includes sexual harassment)
      6. Gender identity
      7. Disability
      8. Age
      9. Alienage or citizenship status
      10. Sexual orientation
      11. Pregnancy
      12. Marital and partnership status
      13. Lawful occupation
      14. Lawful source of income
      15. Presence of children
      16. Status as a victim of domestic violence, stalking, and sex offenses
      17. Status as a Veteran or Active Military Service Member
4. Nonsolicitation orders and cease-and-desist lists
5. Blockbusting
6. Steering
7. Redlining
   1. Summary of recent redlining cases
8. Locally established protected classes
9. Sexual Orientation Non-Discrimination Act (SONDA)
   1. Protections under the act
   2. Enforcement
10. Institutional discrimination within lending sources
11. Federal fair housing and discrimination cases of historic importance
12. Equal housing poster
13. Contemporary fair housing and accessibility cases
    1. Case 1
    2. Case 2
    3. Case 3
    4. Case 4

**VI. IMPLICATIONS FOR BROKERS AND SALESPERSONS**

**VII. HOW DIVERSITY, EQUITY, AND INCLUSION ALIGN WITH FAIR HOUSING**

1. Difference between equity and equality
2. Importance of diversity, the impact on communities, and the need for inclusion

**VIII. EFFECTIVENESS OF IMPLICIT BIAS TRAINING CREATES INCLUSIVE LEADERSHIP**

1. History of fair housing and implicit bias
2. What is implicit bias?
3. Common causes of implicit bias
4. Identifying implicit bias
5. Overcoming implicit biases

**IX. CULTURAL COMPETENCY TRAINING**

1. So, what does cultural awareness mean?
2. Understanding cultural norms, preferences, and challenges creates diverse communities
3. Cross cultural communication skills
4. Social benefits of integration
5. Strategies for cultural responsiveness
6. Tailoring services to meet the need of all
7. Create policies and guidelines
8. Cultural responsiveness to ensure inclusion
9. Inclusive multi-cultural marketing
10. Effective negotiating techniques
11. Inclusive business plan strategies

**X. HOW THE ADA AND FAIR HOUSING ACT RELATE TO ASSISTANCE AND SERVICE ANIMALS**

**XI. SOURCE OF INCOME AND SUBSIDY PROGRAMS**

**XII. SUMMARY**