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Demystifying the Difficulties of the Fair Housing Act

The Fair Housing Act can be frustrating and difficult. It's tough when you want to help your customers, but feel like you aren't able to because it's against the law. Wanting to assist your clients to the best of your ability and being stopped by legal rules and regulations can be defeating. I believe many of us in the real estate industry share these sentiments and concerns. It often feels like the Fair Housing Act is simply much too stiff, and we have to dodge and reposition when asked some of the more hard questions. What went on that caused such strict laws to be put in place?

In order to get insight into why the Fair Housing Act is so rigid and complex, it's best to take a look back in America's history beginning with April 11, 1968. On this date, Lyndon Johnson, the 36th U.S. president, signed the Fair Housing Act into law. The purpose of the law was to give fair rights to all citizens of the United States. One would think that it would be easy to get a bill signed that would benefit so many and bring such needed change, right? In reality, the passing of the Fair Housing Act has been a long and rocky road. Support had been very difficult to build--so difficult, in fact, that the bill had failed to garner enough votes to pass in both 1966 and 1967. It is widely believed that the needed support to finally pass the bill was actually the result of a devastating American tragedy.

Merely days before the Fair Housing Act was signed into law, civil rights leader and activist and Noble Peace Prize recipient Dr. Martin Luther King, Jr. was assassinated. This event gave momentum and clarity to the need for equal rights legislation in our country. On April 4, 1968 after MLK, Jr. was shot on the balcony of his hotel in Memphis, TN, President Lyndon Johnson pressed congress to pass this law as a memorial to the monumental clergyman's life work. The Fair Housing Act of 1968 protected the rights of all citizens on the basis of Race, Color, Religion and National Origin. The act was later amended to include Sex, Familial Status and Disability.

Since then, the Fair Housing Act has been amended and changed many times. You may be asking: why is there a need for such strict laws? For one answer to this question, let's look at the 1988 Fair Housing Amendment Act (FHAA) which was written into law a mere 25 years ago. That means that this change in law has made a direct impact on you, your family, and those in your life today--this, in turn, means that there was a need, a reason, for such an amendment to be made in such recent history. The purpose of the addition to the law was to continue protection and prevent unfair treatment. Keep reading. You may be unpleasantly surprised at how unfair treatment was still so present so recently.

Imagine if you will that it's 1987, the year before the FHAA was passed. Imagine still that you were married with a family, had a good job, took care of all of your financial obligations and had a clean criminal record. You walk into an apartment community with your 5-year old daughter and are turned away at the door, charged an extra \$300 deposit or limited to live in one specific building--the only building that allowed children. You've probably heard of "pet rent." How about child rent? Can you even fathom being charged an extra \$25 per month for each child living in your home? And that would be if you were even permitted to rent in community at all! This is the way it, was and this is why the laws are so strict. Even 20-years after the Fair Housing Act was passed, the real estate industry was still discriminating against people in unbelievable ways.

During a fair housing presentation I was facilitating in Knoxville, TN, just last year, one of the attendees came to me after the seminar and shared her story with me about how this child discrimination had affected her first hand. She still vividly recalled how this law impacted her as a child. When she was young, she witnessed her father being turned away from an apartment community because of her. She remembered feeling as it would be her fault if her dad wouldn't be able to find a place for their family to live. What a true tragedy that a child would ever be put in a position to feel that way.

Unfortunately, discrimination still exists every day all around our country. For this reason, state and local ordinances are still implemented to protect several different classes in our society. Because the Fair Housing Act is changing every day, it is your personal responsibility as an individual to seek knowledge and ensure that you are fully aware of any changes that may affect your community. Consider it a luxury and be appreciative that your company may require fair housing training. However, even then, you should be proactive and continue to seek a better understanding of the law as well as potential changes.

Finding answers regarding the Fair Housing Act can prove challenging at times. I always turn to the National Fair Housing Alliance for guidance and direction. When making a decision that could create a discrimination liability, it is best to be prudent and make sure that you are entirely confident in your

correctness before finalizing your agreement. Know that it is “okay” to inform a prospect that you are not sure and that you must speak with a supervisor. Simply remember to always follow up in a timely manner.

Discrimination creates a negative impact that hurts the community as well as the freedom that we enjoy every day in this country. In addition, discrimination has no place in our work and should be disregarded and put aside the next time and every time in the future when you help someone find their new home.