



KANSAS
REALTORS®



Fair Housing



Security 1st Title

We Protect Property Rights.

Security 1st Title offers licensed and trained professionals to assist you with your title and closing needs. Our local experienced staff delivers exceptional service to protect property rights of homeowners and lenders.

PRODUCTS AND SERVICES:

Residential and Commercial Transactions
Purchases and Refinances | New Construction
Foreclosure | Short Sales | HUD
Escrow Contract Servicing | 1031 Exchanges

VISIT US ONLINE AT WWW.SECURITY1ST.COM

FAIR HOUSING KAR ANNUAL CONFERENCE 2025

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WHERE DOES THIS COME FROM

All citizens of the United States shall have the same right in every state and Territory, as is enjoyed by white citizens thereof to inherit, purchase, sell, hold, and convey real and personal property. Civil Rights Act 1866

“In the end, we will remember not the words of our enemies, but the silence of our friends.” MLK

- DR. MARTIN LUTHER KING

HER FRIENDS WERE NOT SILENT

How a Small Town Silenced a Neo-Nazi Hate Campaign

Jewish Realtor® in a small town in Montana became the object of hate and a town rallied.

Ms. Gersh received hundreds of text messages, emails and Christmas cards threatening her. Her voice mail filled up several times a day. Hateful comments about Ms. Gersh appeared on real estate websites. Homeowners were afraid to list with her.

ICE BREAKER

- ▶ 1 - Federal Fair Housing law makes it illegal to discriminate on the basis of race, color, _____, _____, national origin, _____, or _____.
- ▶ 2 - When renting to a handicapped person make reasonable _____ to rules, policies, practices or service and allow reasonable _____ to existing premises if needed to afford such person full enjoyment of the premises.



EASY ONES – I HOPE

TRUE OR FALSE

3 - Familial status refers to a household with children under the age of 18

4 - Occupancy standards by a landlord should indicate the number of children allowed

5 - Leasing agent discriminates on the basis of race and is the only one liable

6 - There is no time limit for filing fair housing complaints

7- A prospective tenant should determine their own needs and wants when choosing a home



ADA AND FAIR HOUSING

An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

DISCRIMINATION IS ILLEGAL

THE SELLER'S RELIGIOUS BELIEF MAKES THEM FOLLOW A CERTAIN COURSE

IN THE PAST SOME RELIGIONS ARGUED MINORITIES WERE NOT EQUAL TO WHITE PEOPLE

DOES RELIGIOUS BELIEF ALLOWS THEM TO TAKE CERTAIN ACTIONS WHEN THEY HOLD PUBLIC OFFICE EVEN THOUGH CONTRARY TO LAW

IF A SELLER WANTS TO DISCRIMINATE SHOULDN'T THEY BE ABLE TO DECIDE WHO TO DO BUSINESS WITH

WHY IS A REALTOR[®] CHARGED WITH ENFORCING FAIR HOUSING LAW

IN THE PAST WE THOUGHT WE COULD NOT ELECT A CATHOLIC PRESIDENT

FAIR HOUSING HISTORICAL TIMELINE

1789 -- All men are created equal

1856 -- Dred Scott: man = mule

1866 -- Constitutional amendment applies federal rights to states

1866 -- Civil Rights Act – blacks get private property rights

1879 -- Plessy vs. Ferguson – separate but equal

1968 -- Illegal to discriminate on basis of race, color and religion

1974 -- Illegal to discriminate on basis of sex

1988 -- Illegal to discriminate on basis of handicap or familial status



**DISCRIMINATION IS RARELY THIS OBVIOUS,
BUT IT'S JUST AS REAL. AND JUST AS ILLEGAL.**

RACISM IN KS

- <https://www.justice.gov/opa/pr/three-southwest-kansas-men-sentenced-prison-plotting-bomb-somali-immigrants-garden-city> Story from SW ks
- 3 men sentenced from 25 to 30 years each
- After 5-week jury trial
- Planned bombing of Somalian immigrants living in Garden City

ADVERTISING

(a) Words descriptive of dwelling, landlord, and tenants.
White private home, Colored home, Jewish home, Hispanic residence, adult building

(b) Words indicative of race, color, religion, sex, handicap, familial status, or national origin—

Catch words — Words and phrases used in a discriminatory context should be avoided, e.g., restricted, exclusive, private, integrated, traditional, board approval or membership approval.

ADVERTISING

(c) Symbols or logotypes. Symbols or logotypes which imply or suggest race, color, religion, sex, handicap, familial status, or national origin.

(d) Colloquialisms. Words or phrases used regionally or locally which imply or suggest race, color, religion, sex, handicap, familial status, or national origin.

ADVERTISING

(e) Directions to real estate for sale or rent. Directions can imply a discriminatory preference, limitation, or exclusion. For example, references to real estate location made in terms of racial or national origin significant landmarks, Specific directions which make reference to a racial or national origin significant area may indicate a preference. References to a synagogue, congregation or parish may also indicate a religious preference.

(f) Area (location) description. Names of facilities which cater to a particular racial, national origin or religious group, such as country club or private school designations, or names of facilities which are used exclusively by one sex may indicate a preference.

ADVERTISING

Selective use of advertising media or content

Fair housing policy and practices.

Fair housing advertising need not be a scenario that causes you unnecessary anxiety. Education and Fair Housing training are an absolute must. Reinforce this training with regular reminders via your weekly calls, company newsletter or something similar. The more interactions that your team members have with residents and prospective residents, the more you want to provide them with positive reminders. You can easily make Fair Housing so scary that it can turn your team into cold robots. Allow them to be human and friendly but with clear and concise direction.

RACISM IS ALIVE AND WELL – IN BASTION OF LIBERAL THOUGHT

- 25 testers trained – paired testing with one white and one minority candidate
- 93 real estate agents tested – one on video telling “black no showings without prequal letter”
 - First meeting white candidate – let’s set up some showings

RACISM IS ALIVE AND WELL – IN BASTION OF LIBERAL THOUGHT

- 240 hours of meetings recorded – 5763 listings examined – 3-year study
- 19% Asians – 39% Hispanics – 49% Blacks were met with discrimination

<https://projects.newsday.com/long-island/real-estate-agents-investigation/>

A BLACK CANDIDATE FOR PHD IN KS

<https://kansasreflector.com/2021/01/23/what-one-black-man-wants-kansans-to-know-about-watching-the-insurrection/>

At this link a black man's view

In KS he can see confederate flags which convey fear to him for conduct that is normal

- Running while black
- Wearing the hood up on his hoodie while black

BUYER LOVE LETTERS – ARE THEY RISKY

What is a buyer love letter?

Is every love letter a risk?

What topics pose a risk?

Rhode Island case

NAR CODE OF ETHICS

<https://fairhaven.realtor/>

Protected classes in law— race color, religion, sex, national origin, familial status and handicap

Additional protected classes in Ethics – sexual orientation and gender identity

Fair housing act regulates conduct vis a vis your customers and clients

NAR CODE OF ETHICS

<https://fairhaven.realtor/>

Code of Ethics also regulates in the area of hiring agents and staff

Window to the Law: NAR's Fair Housing Action Plan – fair haven simulation

Pocket listing risk of the appearance of discrimination

- Putting a property on the open market reduces the risk of fair housing issues

FAIR HAVEN

- Impact on parties and generations to come
- Takes hour to hour and a half but can stop and pick up later
- Some work as agent and some as client
- Be sure to try the simulations – it will expand your mind

EVERY GROUP THAT CAME

Italians , Irish, Chinese, Hispanics, Black, Catholic,
Muslim, Afghans

Government lending regulations (redlining and
appraisal rules) created ethnically pure
neighborhoods

Prices decline, properties decline, crime follows



IS DISCRIMINATION ALIVE AND WELL

- **MUSLIMS THINK SO**
- **MANY BLACKS THINK SO**
- **MANY PROFESSIONAL WOMEN THINK SO**
- **WHEN WE CAN DEMEAN ANY GROUP AND GET AWAY WITH IT**

IN THE LAST TWO WEEKS

- **SELLER CLAIMS REALTOR ASKED**
- **ABOUT RACIAL MAKEUP OF NEIGHBORHOOD**
- **WHETHER IT WAS CHANGING**
- **WHETHER CERTAIN GROUP WOULD BE COMFORTABLE THERE**



EQUAL PROFESSIONAL SERVICE

Use a systematic procedure

Ask yourself if you have objective information

Ask yourself if your customer has set the limits

Then offer a variety of choices





PENALTIES FOR VIOLATING FAIR HOUSING



Actual Damages

Civil Penalty

Punitive Damages

Injunctive Relief

Licensee Discipline

State Fair Housing Law

PASTOR MARTIN NIEMOLLER

First, they came for the socialists, and I did not speak out—because I was not a socialist.

Then they came for the trade unionists, and I did not speak out— because I was not a trade unionist.

Then they came for the Jews, and I did not speak out—because I was not a Jew.

Then they came for me—and there was no one left to speak for me.