

# LEGAL UPDATE

A MONTHLY GUIDE TO WISCONSIN REAL ESTATE LAW & POLICY

# **Fair Housing Steering**

Steering occurs when real estate sales or rental agents encourage, or steer, prospective home buyers and renters to communities that have high concentrations of owners and renters of their same race or ethnic group.

The biggest challenge when composing housing ads is not necessarily avoiding overt discrimination, but rather detecting and avoiding subtle discrimination, which may appear harmless on the surface yet resonate as exclusionary to some community or ethnic groups. The same is true with steering, when subtle comments may appear harmless or as well-intentioned advice on the surface, but are actually stripping a person of the right and ability to direct the housing search and exercise free choice as to the desired housing setting. While some agents once openly shut blacks out of white neighborhoods, some now apply courteous professionalism as they subtly sort buyers by race or ethnicity.

#### Quiz yourself:

A real estate professional suggests an African American couple focus their search in a neighborhood that is predominantly African American. The agent discourages them from looking at a nearby neighborhood that is predominantly white. Which of the following answers describes this scenario?

- A. This is illegal racial steering and is an intentional violation of fair housing laws.
- B. Steering is the practice of directing potential buyers toward or away from a neighborhood or community based upon perceived protected characteristics.
- C. Steering involves using a prohibited basis to treat the same requests for services or housing information differently, often involving the substitution of a real estate licensee's judgment for that of the prospect.
- D. All of the above.

**Answer is D.** Licensees must provide equal professional services to everyone based on the buyer's objective criteria for a home.

Steering based on race is a "practice by which real estate brokers and agents preserve and encourage patterns of racial segregation in available housing by steering members of racial and ethnic groups to buildings and neighborhoods occupied primarily by members of such

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racial and ethnic groups and away from buildings and neighborhoods inhabited primarily by members of other races or groups." In the classic example, when African-American buyers are only shown homes in interracial or African-American neighborhoods, and comparably qualified white buyers are only shown homes in predominantly white neighborhoods, that is steering.

#### **Example of steering**

John, who is an Asian man, meets with a real estate broker to discuss purchasing a house for his family. When John names the neighborhood that he is interested in, the broker asks John if he is sure that his family will feel comfortable there. The broker tells John that she has a wonderful listing in another neighborhood where there are more "people like them." When the broker takes John to see the house, John notices that the residents of the neighborhood appear to be mostly Asian. John files a complaint with the Department of Housing and Urban Development (HUD) because steering someone to a certain neighborhood because of his race is a form of race discrimination.

Steering often substitutes the judgment of the real estate licensee for that of the buyer and thus eliminates or restricts the buyer's choice. Steering eliminates the chance for the buyer to express their preferences and be shown properties in accordance with those parameters; instead, they are shown properties in accordance with the agent's perceptions based upon stereotypes. This conduct denies people the social and professional benefits of living in an integrated society if that is their choice. Steering is a powerful promoter of segregation and is illegal under the federal Fair Housing Act (FHA).

### **Steering Under the Fair Housing Act**

"Steering" under the FHA is the process of influencing a buyer's choice of communities based upon the buyer's race, color, religion, gender, disability, familial status or national origin. Steering on the basis of any of the characteristics defined under the FHA is unethical and illegal because it limits the housing opportunities available to that buyer.

One way such "directing" can occur is through comments by an agent, either positive or negative, about a community. For example, if an agent limits or does not provide housing options to a buyer in a community because of the community's racial composition, that agent may effectively be making housing unavailable. Or if an agent expresses his or her own positive or negative views about certain communities or schools, the purpose of which is to direct a buyer either toward or away from a community, then that agent may be stating a housing preference based on race or familial status or religion. These would be violations of the FHA and of the federal fair housing regulations.

#### 24 CFR § 100.70 Other prohibited sale and rental conduct.

- (a) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development.
- (b) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to engage in any conduct relating to the provision of housing or of services and facilities in connection therewith that otherwise makes unavailable or denies dwellings to persons.
- (c) Prohibited actions under paragraph (a) of this section, which are generally referred to as unlawful steering practices, include, but are not limited to:
- (1) Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion, sex, handicap, familial status, or national origin, or because of the race, color, religion, sex, handicap, familial status, or national origin of persons in a community, neighborhood or development.
- (2) Discouraging the purchase or rental of a dwelling because of race, color, religion, sex, handicap, familial status, or national origin, by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development.

- (3) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, handicap, familial status, or national origin.
- (4) Assigning any person to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of race, color, religion, sex, handicap, familial status, or national origin.
- (d) Prohibited activities relating to dwellings under paragraph(b) of this section include, but are not limited to:
- (1) Discharging or taking other adverse action against an employee, broker or agent because he or she refused to participate in a discriminatory housing practice.
- (2) Employing codes or other devices to segregate or reject applicants, purchasers or renters, refusing to take or to show listings of dwellings in certain areas because of race, color, religion, sex, handicap, familial status, or national origin, or refusing to deal with certain brokers or agents because they or one or more of their clients are of a particular race, color, religion, sex, handicap, familial status, or national origin.
- (3) Denying or delaying the processing of an application made by a purchaser or renter or refusing to approve such a person for occupancy in a cooperative or condominium dwelling because of race, color, religion, sex, handicap, familial status, or national origin.
- (4) Refusing to provide municipal services or property or hazard insurance for dwellings or providing such services or insurance differently because of race, color, religion, sex, handicap, familial status, or national origin.
- (5) Enacting or implementing land-use rules, ordinances, policies, or procedures that restrict or deny housing opportunities or otherwise make unavailable or deny dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin.

[54 FR 3283, Jan. 23, 1989, as amended at 78 FR 11481, Feb. 15, 2013] <a href="https://www.law.cornell.edu/cfr/text/24/100.70">www.law.cornell.edu/cfr/text/24/100.70</a>.

# **Steering Under the Wisconsin Open Housing Act**

Under Wisconsin law, in Wis. Stat. § 106.50, discriminate means to segregate, separate, exclude, or treat a person or class of persons unequally because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry. Specific prohibited discriminatory actions include falsely representing that housing is unavailable for inspection, rental or sale, or by otherwise making housing unavailable or denying housing.

Wis. Admin. Code § REEB 24.03(1) makes it clear that licensees may not discriminate against, may not deny equal services to, and may not be a party to any plan or agreement to discriminate against any person in any manner unlawful under applicable federal, state or local fair

housing law. Wisconsin practitioners agree with their clients in listing contracts and buyer agency agreements to not discriminate.

# Steering Under the REALTOR® Code of Ethics

Illegal racial steering also violates the National Association of REALTORS® Code of Ethics; equal services are not being provided to each buyer when buyers are selectively shown properties based upon a REALTOR®'s assumptions or values as opposed to the stated desires and choices of the prospect. Under Article 10 of the Code of Ethics, a failure to provide equal services to all buyers and participation in any discrimination against any members of a federally protected class are unethical.

#### Article 10

REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. (Amended 1/14) ...

· Standard of Practice 10-1

When involved in the sale or lease of a residence, REALTORS® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood nor shall they engage in any activity which may result in panic selling, however, REALTORS® may provide other demographic information. (Adopted 1/94, Amended 1/06)

#### (i) MORE INFO

See the Case Interpretations Related to Article 10, particularly the steering scenario in Case #10-2, at <a href="https://www.nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-10">www.nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-10</a>.

# **Early Steering Examples**

Arguably the best way to understand steering and what behavior must be avoided is by studying examples. Identify the problems and correct the behaviors. Different studies and testing projects have been undertaken nationally over the years to discover whether discrimination and testing were present in the local market. Some of these testing endeavors involved Wisconsin.

### Milwaukee Testing 1970s

When a speaker at the 1976 annual luncheon of the Milwaukee Board of REALTORS® was heckled while talking about the pervasiveness of racial steering and blockbusting and its deleterious effects on local efforts to build more integrated communities, a real estate tester was enlisted from Cleveland to train a group of testers. The black and white testers were matched in pairs on personal, socio-economic and homebuying factors, and the pairs were sent to four large Wisconsin

real estate firms to see if the pairs would receive the same treatment. They did not.

Among the results from this testing effort:

- An agent met a white couple at an open house in a racially integrated neighborhood. The agent remarked the testers might not like the neighborhood because black families lived on either side of the home but said it might make a good income-producing property. When an interracial couple came to the same open house, the agent simply told them the house would make a good starter home.
- Black testers and white testers visited a real estate office in a predominantly white neighborhood. The testers did not indicate any neighborhood preference. An agent pointed the white testers to a predominantly white area with the caution to not consider the near southside because it has old homes and was a "changing neighborhood" it had a Latino population. The agent pointed the black testers to the west side of Milwaukee where there were many racially integrated neighborhoods.

As a result of that study, a federal lawsuit was filed against the four firms involved. In 1977 subsequent testing in conjunction with the United States Department of Housing and Urban Development (HUD) showed 45% of the rental tests and 63% of the sales tests involved some sort of different treatment based on race. The housing discrimination at that time was fairly overt and not as subtle as the discrimination seen today.

[Prove It! September - December 2019 Poverty & Race, Poverty & Race Research Action Council, Volume 28: Number 3, Fred Freiberg.]

#### **HUD/NFHA Testing**

In later years HUD contracted with the National Fair Housing Alliance (NFHA) to test how real estate companies treated white buyers versus equally qualified African American or Latino buyers. Between 2003 and 2005, NFHA conducted 145 tests of real estate offices in the Northeast, South and Midwest that HUD suspected of discrimination.

NFHA reported testers were often steered to neighborhoods on the basis of their race, national origin and even, in a few cases, religion – and practitioners sometimes discouraged whites from buying in certain school districts while offering no such warnings to African-American and Latino buyers. As a result of the tests, NFHA filed nine complaints against real estate companies in Atlanta, Chicago, Detroit, Mobile, Alabama, and Westchester County, New York.

2006 NAR President Thomas M. Stevens commented:

Reading the NFHA report, it's clear that many associates identified as having engaged in steering felt they were doing a service to buyers by providing unasked-for advice. Others no doubt thought they were helping protect their community's property values. But that line of thinking is insidious because when we think of and speak of factors such as race, ethnicity and national origin as having a material impact on values, we make it so. We also break the law and violate Article 10 of the REALTOR® Code of Ethics.

(Excerpt from Are we fair enough? by 2006 NAR President Thomas M. Stevens, *REALTOR® Magazine*, July 2006. <a href="https://magazine.realtor/news-and-commentary/nar-president/article/2006/07/are-we-fair-enough">https://magazine.realtor/news-and-commentary/nar-president/article/2006/07/are-we-fair-enough</a>. Reprinted by permission of the National Association of REALTORS®. Copyright 2006. All rights reserved.)

#### (i) MORE INFO

#### **Discrimination and Steering Resources**

See the Infographics from Erase Racism demonstrating the affects and impacts of racial discrimination and steering at <a href="https://www.eraseracismny.org/our-work/trainings">www.eraseracismny.org/our-work/trainings</a>.

# **Long Island Newsday Investigation**

In late 2019 the results of the *Newsday* steering investigation, conducted in Long Island, New York, was released. The three-year investigation uncovered widespread evidence of unequal treatment by real estate agents on Long Island and provides numerous, current examples of steering.

In this paired-testers study, two undercover testers — for example, one black and one white — separately sought an agent's help in buying a house. The testers presented similar financial profiles and requested the same types of homes in the same areas. The agent's actions were then reviewed to see whether the agent provided disparate service. After testing 93 real estate agents, *Newsday* found evidence of widespread separate and unequal treatment of minority homebuyers and minority communities on Long Island. Asians were discriminated against 19% of the time, Hispanics were discriminated against 39% of the time and black consumers were discriminated against 49% of the time. Agents associated with multiple brokerages were accused of steering the undercover investigators to neighborhoods that matched the investigators' race or ethnicity and often subjected minority investigators to more restrictive conditions prior to viewing properties.

#### **Examples of agents steering**

The report detailed various instances of real estate agents steering buyers in paired testing where the testers have substantially similar stories, credentials and finances and are looking for the same types of properties, including:

- An agent suggested five Plainview homes to a white househunter — but told a black homebuyer that houses with the same market value were out of his price range.
- An agent warned a white customer to avoid investing in Freeport but suggested the predominantly minority village could be a good choice for a black customer.
- One agent told a black tester houses in a predominantly white neighborhood were too expensive for his budget but showed houses in the same neighborhood to a white tester with the same budget.
- The white tester was told, "You don't want to go there. It's a mixed neighborhood ... it's a mini United Nations," but no such observations were shared with the Asian tester.
- An agent discouraged a white tester from considering homes in the predominantly minority community of Brentwood by suggesting he might want "to look into recent gang killings in the Brentwood area," but the same agent encouraged the black tester to consider 27 homes in Brentwood in census tracts averaging 17% white by indicating the people in Brentwood "are the nicest people." The agent gave the white tester 11 listings in areas averaging 86% white and none in Brentwood.
- Another agent requested photo identification from a black tester,

stating it was company policy to not show homes without prior identification. The agent provided the black tester with two listings in East Meadow and Hicksville (58% white) and provided the white tester with eight homes in census tracts averaging 88% white, taking the white tester to see homes without asking for photo identification. The agent also made comments about school districts, telling the white tester that Wantagh was "blue ribbon" and indicated the schools in other predominantly white districts were good. The agent also suggested white buyers consider Massapequa, most of which is part of a 93% white schoold district, but not the part that falls within the Amityville district (92% black and Hispanic) stating, "You're not going to like those schools."

#### (i) MORE INFO

Learn more about these instances of steering at <u>projects</u>. newsday.com/long-island/real-estate-agents-investigation.

The following excerpts give more of the flavor of the extensive *Newsday* steering report.

Said one agent when speaking to a white customer: "I don't want to use the word steer, but I try to edu - I use the word - I educate in the areas." Pointing out a need to study who lived in a community before buying, that agent ... advised the customer to observe nighttime patrons of convenience stores. "Wherever you're going to buy diapers, you know, during the day, go at 10 o'clock at night, and see if you like the area," she said, adding: "There was one fellow who would - like insisted on this house, and the wife was pregnant and had a little one, and I said to him, 'I can't say anything, but I encourage you, I want you to go there at 10 o'clock at night with your wife to buy diapers. Go to that 7-Eleven.' They didn't buy there." "I have to say it without saying it, you know?" ...

She also counseled: "What I say is always to women, follow the school bus. You know, that's what I always say. Follow the school bus, see the moms that are hanging out on the corners." ... [This agent] did not make similar comments when visited by a black tester.

Newsday's fair housing consultants found that the agent quoted previously used "coded language" or "a euphemism" to describe steering when talking only to the white tester. Newsday concluded the agent knew what steering was, but the agent used a euphemism she mentioned only to the white tester but not the black tester. Instead of steering, she made comments about local convenience store clientele.

#### (i) MORE INFO

See more excerpts from "Long Island Part 1, They Call It Steering" at <a href="mailto:projects.newsday.com/long-island/steering-real-estate-agents">projects.newsday.com/long-island/steering-real-estate-agents</a>.

## **Discrimination against neighborhoods**

In the *Newsday* study, one of the expert analysts observed a different variety of steering and offered an explanation for the phenomenon:

The agents largely avoided the minority communities, recommending

homes there only 15 times. But when they did offer listings in minority communities, they sent those listings more often to minority buyers than to whites. "I think what you've described is steering based on racial composition of a neighborhood. The fact that everybody is steered away doesn't make it acceptable," said Greg Squires, a professor of public policy at George Washington University in Washington who has served as a consultant to fair housing groups and the U.S. Department of Housing and Urban Development. "You could argue that this does not show discrimination against the home seekers because everybody was steered away from these neighborhoods," Squires added. "If in fact that's the case, what it suggests is discrimination against certain neighborhoods because of the racial composition of those neighborhoods." ...

Channeling home buyers toward some towns and away from others can have economic consequences, as the practices reduce demand in some places to the detriment of homeowners and drive it up in others to the benefit of both homeowners and of agents who can reap larger commissions on sales. "Their financial well-being is directly tied to the value of the homes in the area in which they specialize," ... "So, this kind of creates this powerful financial incentive for real estate agents to participate in this reproduction of segregation."

#### (i) MORE INFO

See more excerpts from "Long Island Part 1, They Looked Almost Everywhere Else," at <a href="mailto:projects.newsday.com/long-island/real-estate-agents-minority-communities">projects.newsday.com/long-island/real-estate-agents-minority-communities</a>.

#### (i) MORE INFO

#### Resources Related to Newsday Investigation

- "What Happens When Black People Search for Suburban Homes" at <a href="https://www.nytimes.com/2019/11/18/nyregion/fair-housing-discrimination-long-island.html">www.nytimes.com/2019/11/18/nyregion/fair-housing-discrimination-long-island.html</a>
- "Agent bias on Long Island puts national spotlight on discriminatory practices" at <a href="https://www.inman.com/2019/11/20/agent-bias-on-long-island-puts-national-spotlight-on-discriminatory-practices">www.inman.com/2019/11/20/agent-bias-on-long-island-puts-national-spotlight-on-discriminatory-practices</a>
- Newsday investigation report at <u>projects.newsday.com/long-island/real-estate-agents-investigation</u>
- "Long Island Steering Investigation: Avoiding the trap of racial steering" in the February 2020 Wisconsin Real Estate Magazine at www.wra.org/WREM/Feb20/Steering

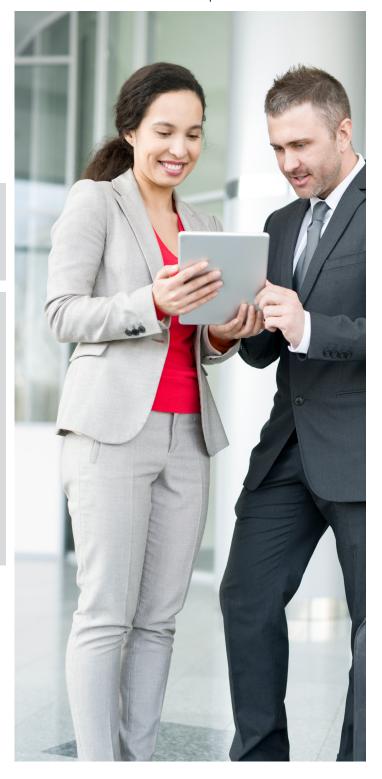
### **Prevention**

Changing deeply engrained attitudes and learned behavior shaped by structural racism and decades of segregated living is not easily accomplished. Mindful concentration is needed to overcome implicit bias. Each agent, broker and firm can take verious steps to address their practices and conduct.

### **Systematic property search**

To help avoid any steering or discrimination, licensees may wish to adhere to the following guidelines and use checklists to ensure the provision of equal housing services to all buyers:

- Keep any prerequisites to providing services uniform, consistent and objective.
- 2. Use systematic procedures to qualify buyers and match them to properties. Have a standard questionnaire or list of questions always asked of all buyers to determine the type of property the prospect is interested in. This questionnaire should be based on criteria such as price point, financial qualification, neighborhood amenities, distance from work and other locations, schools and parks, and any other factor the prospect identifies as important. Let the customer set the search parameters.



- 3. Buyers should be provided with information about a variety of properties and homes in a variety of neighborhoods within their price range and meeting their other requirements and then be permitted to choose where to look and, ultimately, where to live. Provide the same wide scope of choices to all buyers. Licensees should never assume that any area is off limits to anyone based upon their race, color, national origin, ethnicity, religion, disability or any other factor that is treated under fair housing law as a protected class.
- 4. Avoid giving personal opinions about a community or area, even if asked. Instead, guide buyers to third-party sources to answer their questions about neighborhood-specific information, like school ratings and crime statistics, allowing the buyers to research and reach their own decision. Never give an estimate or opinion, or discuss the racial, religious or ethnic composition of a neighborhood. Refer the buyer to an appropriate agency or community group. Obtain and provide objective information.
- 5. Licensees may "steer" buyers to properties, as long as they are guiding buyers to properties that match the buyers' qualifications, search parameters, requested property features and specified needs the buyers have designated. Fair housing is about choice the buyer's choice.
- 6. Document the service provided.

#### **Providing information resources**

Complying with federal fair housing laws does not prevent licensees from being a reliable and rich source of information and alternatives for clients. If a buyer wants to know the crime statistics of an area, smart sales associates direct them to the police department or other sources of information. They never disclose crime statistics or say a neighborhood is safe even if they believe it to be true.

Licensees may be asked about the ethnic, racial or religious make-up of a neighborhood. Develop a list of all churches in various neighborhoods and provide that as a resource regarding religion to buyers. If a buyer needs to know the demographics of an area, refer them to the U.S. Census Bureau. At <a href="https://www.factfinder.census.gov">www.factfinder.census.gov</a> clients can find racial and ethnic breakdowns by city. City government or nonprofits may be able to provide data for more local areas.

#### School information

Discussions about schools can raise questions about steering if there is a correlation between the quality of the schools and neighborhood racial composition, or if characterizations such as "a school with low test scores" or "a community with declining schools" become code words for racial or other differences in the community. Similarly, making unspoken distinctions by promoting a school in one district while keeping silent about the quality of another school can have the same effect.

When prospects ask, "How are the schools?" the best thing a licensee can do is guide them to third-party objective information, so they can make a decision on their own. Point them directly to the school district's website. Encourage them to visit the school of their choice and locate the district boundaries. Give homebuyers the resources they need to make the decision for themselves. Remember, it's not about your kids, it's about their kids. Every child has different needs, and every family has different preferences.

A buyer who wants a home in the Crestwood school district is providing an objective criterion for a home search. An agent can clearly identify and find housing in that school district. On the other hand, a buyer wanting a home in a "good school district" is unclear about what he or she wants. Is it the school with the best football team, the most AP students, the newest facility or something else? Agents attempting to choose homes based on this kind of request substitute their own judgment for the buyer's regarding what makes a school good.

The way an agent responds to comments or questions such as "I heard this area has bad schools" or "Where do you send your children to school?" can mean the difference between steering and providing equal professional service. A truthful response is not necessarily a violation of the law, but the buyer could perceive such a response, even if truthful, as a way of limiting choices or as discrimination. Instead ask, "What makes a school good for you?" and then suggest a third-party source. The client alone should decide whether a property or neighborhood is right for him or her.

#### (i) MORE INFO

See the November 2012 *Wisconsin Real Estate Magazine* article "It's Report Card Time" at <a href="https://www.wra.org/WREM/Nov12/ReportCard">www.wra.org/WREM/Nov12/ReportCard</a> and the Department of Public Instruction resources at <a href="https://dpi.wi.gov/accountability/report-cards">https://dpi.wi.gov/accountability/report-cards</a>. See also NAR analysis in the article "Steering, Schools, and Equal Professional Services" at <a href="https://www.nar.realtor/articles/steering-schools-and-equal-professional-service">www.nar.realtor/articles/steering-schools-and-equal-professional-service</a>.

#### Other measures to combat steering

Some commentators and journalists have offered other suggestions advocating for strengthening accountability and consequences. If a broker becomes aware an agent is engaging in racism and discrimination, one opinion is that the broker should fire the agent. Furthermore, it is suggested they should report the discrimination to the authorities as failing to report it sends the message that discrimination and racism is acceptable behavior.

Others focus more on changing hearts and minds with training and culture change:

- Learn about and understand unconscious bias. Watch Bias Override: Overcoming Barriers to Fair Housing video at www. nar.realtor/videos/bias-override-overcoming-barriers-to-fair-housing and take the Implicit Bias test at <a href="https://implicit.harvard.edu/implicit.">https://implicit.harvard.edu/implicit.</a>
- 2. Hire black and brown real estate agents and managers.
- 3. Do a better job of training agents to take fair housing seriously.
- 4. Commit to helping two or three first-generation homebuyers find their first homes, using down payment assistance and other programs, to promote diverse communities.
- 5. Use NAR protocol for firm self-audits. NAR is developing a methodology for firms to test their agents for discrimination.

# Penalties for Steering and Discrimination

The current penalties for Wisconsin licensees who discriminate or steer based on race are stiffer than those for other license law violations.

Under Wis. Stat. § 452.14(3)(jm), the Real Estate Examining Board (REEB) may revoke, suspend or limit the license of any licensee, or reprimand the licensee, if the REEB finds the licensee has intentionally encouraged or discouraged any person from purchasing or renting real estate in a particular area on the basis of race. In addition to these penalties, the REEB shall, for the first offense, suspend the license for not less than 90 days; and for the second offense, the REEB shall revoke the license.

This penalty may be imposed in addition to any penalty imposed by antidiscrimination housing ordinances promulgated by any city, village, town or county pursuant to Wis. Stat. § 66.1011, or imposed by the open housing law in Wis. Stat. § 106.50 and enforced by the Equal Rights Division of the Wisconsin Department of Workforce Development. In other words, there are many different agencies standing ready to enforce fair housing law and penalize licensees who discriminate or steer.

HUD published new inflation-adjusted civil penalty amounts (see <a href="https://bit.ly/38zW06X">https://bit.ly/38zW06X</a>) for violations of the FHA. The new penalties apply to any violations of FHA that occur on or after April 15, 2019. First-time violators of the FHA can be assessed a civil penalty of up to \$21,039. If an individual has had a prior FHA violation within the previous five years, he or she could be fined up to \$52,596. Any person who had violated the Act two or more times in the previous seven years could be fined up to \$105,194. These amounts are in addition to actual damages and attorney's fees and costs that may be awarded to someone who has experienced housing discrimination.

#### (i) MORE INFO

# Fair Housing and Steering Resources from the WRA

- "Bias Override: Overcoming Barriers to Fair Housing: Do you have implicit bias?" in the July Wisconsin Real Estate Magazine at www.wra.org/WREM/July2020.
- April 2007 Legal Update, "Avoiding Discrimination in Advertising and Racial Steering," at <a href="www.wra.org/LU0704">www.wra.org/LU0704</a> includes the results of the National Fair Housing Alliance Report on Housing Discrimination and Steering.

#### (i) MORE INFO

# Fair Housing and Steering Resources from NAR

- Bias Override: Overcoming Barriers to Fair Housing video at <u>www.nar.realtor/videos/bias-override-overcoming-barriers-to-fair-housing</u>
- Implicit Bias test at <a href="https://">https://</a>

   implicit.harvard.edu/implicit
- A Matter of Place video at <u>www.</u> <u>nar.realtor/videos/a-matter-of-</u> place
- A Snapshot of Race and Homebuying in America at www.nar. realtor/research-and-statistics/ research-reports/a-snapshot-ofrace-and-homebuying-in-america
- "Window to the Law: Fair Housing Update" video at www.nar.realtor/ window-to-the-law/fair-housingupdate
- NAR Fair Housing Action Plan, abbreviated "ACT," emphasizing (A)ccountability, (C)ulture Change, and (T)raining, at www. nar.realtor/fair-housing/new-fair-housing-action-plan.
- NAR Diversity and Inclusion References at <u>www.nar.realtor/diversity/diversity-and-inclusion-references</u>

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