

Summary of Illinois Real Estate License Act Provisions

Each listing agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of their race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, unfavorable discharge from the military or familial status (protected classes). No licensee shall enter into a listing agreement which prohibits the sale or rental of real estate to any person because they are a member of a protected class. No licensee shall act or undertake to act as a real estate broker for any owner who will not sell or lease the real estate to individuals because of their membership in a protected class.

The 1988 Fair Housing Act Amendments established that disability, which includes people diagnosed with AIDS, is a protected class. According to HUD, it is illegal for real estate licensees to make unsolicited disclosures that a current or former occupant of a property has AIDS. If a prospective purchaser asks a licensee if the current or former occupant has AIDS, and the agent knows this is in fact true, HUD advises the licensee not to respond. Furthermore, the Illinois License Act states that no cause of action shall arise against a licensee for the failure to disclose that the occupant of the property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition.

When there has been an adjudication in a civil or criminal proceeding that a licensee has illegally discriminated while engaged in any activity for which a license is required under the Act, the Department, SHALL suspend or revoke the license of that licensee unless the adjudication is in the appeal process.



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Summary of Illinois Human Rights Act Provisions

It shall be unlawful:

- to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unfavorable or deny, a dwelling to any person because of race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, unfavorable discharge from the military, or familial status (protected classes);
- to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of membership in any of the protected classes listed above.
- 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 membership in any of the protected classes listed above.
- to represent to anyone in a protected class listed above that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- for profit, to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons who are members in the protected classes listed above.

Fair Housing is a Serious Matter!

A GUIDE FOR
REAL ESTATE PROFESSIONALS



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Fair Housing Guidelines

Real estate professionals have legal and ethical responsibilities to abide by fair housing laws at the federal, state and local level. The general rule is that it is illegal to deny housing or real estate brokerage services to individuals based on their membership in a protected class. **The protected classes covered under the federal fair housing laws are race, color, religion, national origin, sex, familial status and disability.** "Familial status" protects families with children under 18 unless housing is qualified housing for older persons; a person with a disability is defined under federal laws as "any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." (www.hud.gov)

In addition to the federal protected classes, **the Illinois Human Rights Act also prohibits discrimination against persons because of marital status, ancestry or unfavorable military discharge, age, military status, sexual orientation and order of protection status.** These protected classes would be in addition to those included under federal fair housing laws.

Local fair housing laws and ordinances may include other protected classes in addition to those covered by federal and state laws, so real estate professionals should check with their local municipalities to see if there are additional protected classes. The City of Chicago is one example where "source of income" is an additional protected class under the Chicago Fair Housing Ordinance.



Note: Broker/owners should have a Policy and Procedure Manual which includes a Fair Housing Policy. This Policy Manual should be distributed to each sponsored licensee. A sample is available from the Illinois Association of REALTORS® (www.illinoisrealtor.org/downloads). Also note that action must be taken against an Illinois licensee's license upon a finding that the licensee has violated any fair housing law while acting within the scope of their real estate license.



FAIR HOUSING RESOURCES:

Illinois Association of REALTORS®:
www.illinoisrealtor.org/fairhousing

National Association of REALTORS®
Fair Housing and Diversity Program:
www.realtor.org/government_affairs/diversity/fairhousing

Fair Housing Basics

- REALTORS® believe that fair housing policies are not just the law of the land but simply the right thing to do. REALTORS® maintain a strong policy of upholding all federal, state and local fair housing laws and Article 10 of the REALTOR® Code of Ethics and the REALTOR® Fair Housing Declaration. REALTORS® participate in periodic fair housing education.
 - Real estate professionals should refrain from discriminating against any person in the provision of any real estate brokerage services because of the person's race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, familial status, military status, sexual orientation, unfavorable discharge from military service, any other class protected by Article 3 of the Illinois Human Rights Act, and any local fair housing ordinances.
 - Among the prohibited practices which are against federal or state fair housing laws when providing brokerage services are:
 1. Refusing to show, sell or rent based on a person being a member of a protected class.
 2. Different or disparate treatment of persons in a protected class.
 3. Steering: A licensee shall not encourage or discourage another from moving into any area because of the race, color, religion, sex, handicap, marital status, familial status, ancestry, age, military status, sexual orientation, order of protection status, or membership in any protected class.
 4. Discriminatory advertising that "expresses" a preference for buyers or tenants. However, there are special rules for housing for the elderly.
 - 5. Harassment (i.e., coercion, intimidation, threats or interference with a person's fair housing rights) or because a party is abiding by fair housing law.
 - 6. Applying more burdensome criteria to applicants of protected classes.
 - 7. Blockbusting/Panic Peddling: A licensee is prohibited from inducing or attempting to induce another to sell or rent a property by making any express or implied representations regarding the entry or prospective entry into a neighborhood of a person or persons of any protected class.
- Real estate professionals should comply with all applicable federal, state and local fair housing laws
 - Real estate professionals should be aware that persons with AIDS are considered disabled, and "familial status" means families with children under the age of 18 years, an individual who is pregnant or an individual in the process of obtaining legal custody of a person under the age of 18 years.
 - The National Association of REALTORS® has adopted the Fair Housing Declaration to guide its members.



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