



Legal Bulletin 145

Wed, Mar 06, 2013

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HUD, Washington Law and NWMLS Require that All Listings Be Non-Discriminatory and Comply with Fair Housing Laws

The Fair Housing Act and Washington's Law Against Discrimination prohibit discrimination in the sale, rental or advertising of housing. These laws prohibit the use of certain "red letter words" that could tend to discriminate against various protected classes of persons. For example, it is illegal to state a preference or limitation on account of race, color, or national origin. These restrictions apply not just to classified advertising but also to NWMLS listings. An MLS in Oregon was fined by HUD for violations of the Fair Housing Act contained in listings published by that MLS.

Because of the potential for liability, all NWMLS members must exercise great caution in the wording of their listings. There are some obvious "red letter words" that should never be used in a listing, e.g. restrictions against children or people with disabilities or any reference to "families" or family status. However, some red letter words are not as obvious. For example, the phrase "quiet neighborhood" can be construed to discriminate against children, and the phrase "close to Catholic church" could indicate a preference for a certain religious group. By way of example, a list of potentially offensive words is set forth below. When you review this list, remember that it is by no means exhaustive and the context in which these words and phrases is used is equally important.

Given the enormous number of listings that NWMLS receives every month, it is almost impossible for NWMLS to review each listing for the presence of "red letter words." It is even more impossible for NWMLS to review listings to look for more obscure discriminatory language. Ultimately, it must be, and indeed it is, the responsibility of each broker and licensee to ensure that offensive references are not included in NWMLS listings. NWMLS' Rule 10(h) clarifies the nature of each member's responsibility by providing that "each listing shall comply with all applicable local, state, and federal codes, regulations, laws, and ordinances, including but not limited to, the Fair Housing Act, the Civil Rights Act of 1964 and the Washington Law Against Discrimination, RCA 49.60." Under the rule, each member is solely responsible for ensuring such compliance and agrees to indemnify NWMLS in connection with any claims arising from the listing.

HUD takes violations of the Fair Housing Act extremely seriously and has a zero tolerance policy regarding advertising violations. Accordingly, NWMLS has the same policy and Rule 10(h) exists to enforce that policy. To protect NWMLS and its members from liability that might result from another member's violation of the Fair Housing Laws, NWMLS Rule 10(h) also requires that a member violating the law will indemnify, defend and hold NWMLS harmless from any claim arising from the violation. For that reason, all NWMLS members are urged to continually remind their sales associates of the need to keep all listings free of any discriminatory taint. Even an innocent mistake can result in liability. This is one area where an ounce of prevention truly is worth a pound of cure.

Able Bodied	Gay	Person
Adult	Gender	One Person
African	GentlemanGirl	Oriental
Age	Golden Age	Parish
Agile	Grandmas House	Perfect for Two

AIDS	Guy	Philipino
Alcoholic	Handicap ("not suitable for")	Philippino
American	Healthy	Physically Fit (ideal for)
Ancestry	Heterosexual	Polish
Arab	Hindu	Prestigious
Asian	Hispanic	Private Community
Bachelor	HIV	("private community"-
Black	Homosexual	No;
Blind	Hungarian	"private drive"-
Board Approval	Immigrant	OK)Professional
Boy	Impaired	Protestant
Buddhist	Independent Living	Public
Catholic	Indian	Assistance
Caucasian	Integrated	Puerto Rican Race
Chicana	Interracial	Religion
Chicano	Irish	Religious (Landmarks,
Child	Italian	like near St. Mark's)
Chinese	Jew	Restricted Restriction
Christian	Job References	Retarded
Church	Kid	Retired
Citizen	Lady	Retirees
Colored	Latina	Saint
Congregation	Latino	Seasonal Worker
Couple	Lesbian	Section 8
Cripple	Male	Senior
Deaf	Man	Sexual
Disability	Marital Status	Shrine
Disabled	Married	Single
Drinkers	Mature	Smoker
Elderly	Membership Approval	Social Security
Employed	Men	Spanish
Empty Nesters	Mentally	Straight
English	Mexican	Student
Ethnic	Migrant	Synagogue
Exclusive	Minority	Temple
Executive (such as "large executive house")	Mormon	Traditional
Families	Mosque	Two People
Family	Muslim	Unemployed
Female	Nationality	Wheelchair
Filipino	Negro	White Woman
Filippino	Newlyweds	Women
Foreign	No Children	Working
	No Play Area	Young
		Youth



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