

Fair Housing Training: Key Real Estate Industry Compliance Tool to Raise Awareness, Enhance Communication

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Property management, real estate brokerages, agents, their employees, and others involved in the real estate industry should consider implementing comprehensive fair housing training programs on a regular and consistent basis to lower the risk of claims of discriminatory housing practices. Regular, periodic fair housing training can increase awareness and help monitor emerging fair housing issues in a robust enforcement environment. Training should be tailored to the services provided and can often supplement and enhance any training required for licensing or other regulatory requirements.

Fair Housing Litigation Trends

The National Fair Housing Alliance (NFHA) began collecting annual housing data more than 25 years ago and publishes a trends report annually. The [NFHA 2023 Fair Housing Trends Report](#) compiled fair housing and lending data showing ongoing use by nonprofit housing organizations and individuals filing agency complaints or court litigation to address rental shortages, lending practices, and flat home ownership. According to the report, of the approximately 33,007 fair housing complaints lodged in 2022:

- 22,404 (73.94%) were made with non-profit fair housing organizations;
- 1,915 (5.8 %) were filed with the U.S. Department of Housing and Urban Development (HUD);
- 6,652 (20.15%) were filed with state and local governments that participate in the Fair Housing Assistance Program (through which they receive HUD funds for local fair housing enforcement); and
- 36 (0.11%) were filed with Department of Justice.

These numbers represent a 5.74% increase in the total number of complaints filed in 2021, with no signs of slowing.

Fair housing complaints were based on disability, race, sex, familial status, national origin, color, religion, and source of income, according to the report. The Fair Housing Act does not include source of income as a protected class; however, it is a covered class under many of state and local laws.

Periodic Fair Housing Training to Aid Compliance

Housing providers, including leasing agents, property managers, superintendents, property owners, and brokers and sales agents, should be aware of these fair housing trends, especially while access to housing is an urgent need for many and complaints are persistent and growing, most often where affordable housing is tight.

Broad-based fair housing training for employees and agents in the housing and real estate sectors can enhance and facilitate better communication, improve understanding of legal obligations and best practices (including in areas surrounding disabilities and lawful source of income), raise consciousness, provide a venue for asking questions and clarifying issues, as well as, hopefully, minimize claims of fair housing discrimination and steering. Much like how workplace training can positively impact the work environment and workplace dynamic, fair housing training is often a positive step toward effectuating positive change in the communications, interactions, and dynamics among prospective tenants or buyers and industry employees, agents, and real estate industry service providers.

Consistent and periodic fair housing training tailored to specific audiences (such as rental or sales) and addressing federal (including the Fair Housing Act and the anti-eviction and fair housing protections under the Violence Against Women Act), state, and local fair housing laws can make a difference and can be a major compliance and awareness tool. Effective fair housing training programs commonly review and address areas such as the following:

1. Applicability of federal, state, and local laws to various types of dwellings such as homes, apartments, condos, and co-ops;
2. Categories protected under federal, state, and local laws, identifying the often broader definitions that apply under state and local anti-discrimination housing laws to disability, as well as agency expectations in the context of disability accommodations, lawful source of income, and other emerging areas;
3. Detailed analyses of unlawful practices, including the requirements for reasonable accommodations such as service and emotional support animals and modifications to dwelling spaces to accommodate disabilities; and
4. Real world hypotheticals that help participants understand how the lack of communication and how miscommunication can often result in complaints. Encourage more positive methods of communication for achieving better results and outcomes.

Now is a good time to review your fair housing training programs. Jackson Lewis attorneys are available to assist in addressing specific organizational needs effectively.

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