

WASHINGTON REAL ESTATE FAIR HOUSING CURRICULUM (6-HR) MAY 2022

Introduction

The purpose of this course is to introduce real estate brokers and managing brokers to the federal Fair Housing Act ([42 U.S.C. 3601 et seq.](#)) and the Washington Law Against Discrimination ([chapter 49.60 RCW](#)) as it relates to real estate transactions.

The course will teach real estate brokers and managing brokers the historical and societal context of housing discrimination, legal framework intended to prevent housing discrimination, and steps to take to prevent housing discrimination.

The Department of Licensing (DOL) is responsible for developing real estate curricula. Schools and instructors apply and build their own detailed curriculum for teaching real estate courses. Their application will provide the details based on the curriculum outline from DOL. Course approval will follow the process outlined in [chapter 308-124H WAC](#).

Recommended Hourly Breakdown

Required Course: WA Real Estate Fair Housing

Duration: 6 hours

Recommended Learning Level: B-2 Comprehension

Course providers may choose to employ any hourly breakdown that meets the required hours for fair housing. DOL recommends the following hourly breakdown:

- Topic Area I: Historical and Societal Context (1 hour 30 minutes)
- Topic Area II: Legal Framework (2 hours)
- Topic Area III: Role of the Broker and Managing Broker (2 hours 30 minutes)

Learning levels, known as “Bloom’s Taxonomy,” are described in the designations on page 2. These designations are used to identify the learning level recommended for a particular set of topics. The educational objectives of the course are intended to provide a mandated six-hour introduction into the historical and societal context, legal framework, and role of the broker and managing broker in fair housing.

Given the difficulty to attain deep learning levels with six hours of instruction, topics in this curriculum should be taught at the B-2 Comprehension level. Additionally, while it is not required to teach subjects in the sequence shown in this curriculum, every educational provider must ensure that the courses taught meet the basic learning objectives required to ensure that prospective licensees are minimally competent. See Recommended Learning Levels for more information.

Topic Areas

I. Historical and Societal Context (1 hour 30 minutes)

1. History of racial discrimination, race-based segregation, and housing discrimination in the United States and Washington State
2. Understand the context of the Fair Housing Act within the setting of the Civil Rights movement, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and discuss contemporary issues.

II. Legal Framework (2 hours)

1. Review authorizing federal and state legislation and applicable local ordinances. Discuss nuances in who is protected and what transactions are covered.
2. Review groups identified as protected classes
3. Court cases for potential discussion

III. Role of the Broker and Managing Broker (2 hours 30 minutes)

1. Discuss fair housing practices related to the role of the broker and managing broker and how to navigate common topics
2. Discuss specific common unfair practices
3. Understand financial assistance programs and connection to protected classes
4. Navigating Complaints

Recommended Learning Levels

Source: Current Issues in Washington Residential Real Estate Course Curriculum and Commercial Curriculum

Learning Levels

B-1 Knowledge

Knowledge is defined as the remembering of learned material. This may involve the recall of a wide range of material, from specific facts to complete theories, but all that is required is the remembering of the appropriate information.

Examples: Know definitions of common terms, basic concepts, methods and procedures and principles.

B-2 Comprehension

Comprehension is defined as the ability to grasp the meaning of material. These learning levels go one step beyond the simple remembering of material and represent the lowest level of understanding.

Examples: Understand and interpret facts and principles.

B-3 Application

Application is defined as the ability to use learned material in new situations.

Examples: Apply laws and theories to practical situations. Demonstrate correct usage of a method or procedure.

B-4 Analysis

Analysis refers to the ability to study or determine the nature and relationship of the parts.

Examples: Distinguish between fact and inference and evaluate the relevance of data.

B-5 Synthesis

Synthesis refers to the ability to put parts together to form a new whole. Learning outcomes in this area stress creative behaviors, with major emphasis on the formulation of new patterns or structures.

Examples: Propose a plan for an experiment, integrate learning from the different areas into a plan for solving a complex problem.

B-6 Evaluation

Evaluation refers to the ability to determine the significance or worth of something by careful study.

Examples: Form a valid opinion through weighing of evidence.

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Historical and Societal Context

Recommended Duration: 1 hour 30 minutes

Educational Objective: Understand the history and societal context of discrimination and housing discrimination which led to legal framework.

1. History of racial discrimination, race-based segregation, and housing discrimination in the United States and Washington State (note: may include specific localities)
 - a. Include discussions of:
 - i. Types of racism (such as structural, institutional, internalized, and interpersonal)
 - ii. Types of discrimination (such as direct or indirect)
 - iii. *De jure* and *de facto* policies and practices and their impacts on communities:
 1. *De jure* (a practice existing by right or according to law) segregation.
 - a. Understand segregation occurred because federal, state, and local laws or policy required it
 - i. Example: Racial zoning policies restricted the ability of racial and ethnic minorities from purchasing homes in certain areas.
 - ii. Example: Federal agencies would not insure mortgages in racially integrated neighborhoods.
 - iii. Example: Federal housing on military bases for civilians explicitly excluded Black Americans.
 - b. *De facto* (being in effect without being formally recognized) segregation
 - i. Example: Financial institutions would not provide funds to develop properties unless the organization adopted clear rules prohibiting/preventing the sale of property to racial and ethnic minorities. These institutions would not provide mortgages to racial/ethnic minorities if the property they sought was in a “white neighborhood” or area. This practice is often called “redlining”.
 - ii. Example: National and local associations for real estate professionals often adopted codes of ethics that actively allowed for segregation.
 - iii. Example: During and after World War II, land around Seattle was developed with racially restrictive language added into the deeds of the properties sold. This prevented non-white individuals from purchasing the property.

- iv. Example: Developers sometimes use scare tactics, publicizing how “unsafe” an area may be to encourage property owners to sell at lower rates. Developers then raise prices or redevelop land to increase property values and turn a profit. This practice is often referred to as “blockbusting.”
2. Understand the context of the Fair Housing Act within the setting of the Civil Rights movement, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and discuss contemporary issues.

Legal Framework

Recommended Duration: 2 hours

Educational Objective: Understand federal and state laws, review protected classes, and review court cases.

1. Review and understand the federal Fair Housing Act (42 U.S.C. 3601 et seq.) and the Washington Law Against Discrimination (ch 49.60 RCW) (Note: This may include other federal/state/regulations, as well as specific local ordinances/laws). Discuss nuances in who is protected and what transactions are covered.
2. Review groups identified as protected classes – federal and state (Note: may include specific localities)
 - a. Federal: Race or color, religion, sex, national origin, familial status, or disability (Source: [Fair Housing Act](#), 42 U.S.C. 3601 et seq.)
 - b. State: Sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability (Source: [RCW 49.60.222](#) – Unfair practices with respect to real estate transactions, facilities, or services.)
3. Court cases for potential discussion
 - a. Landmark cases - <https://www.justice.gov/crt/housing-cases-summary-page>
 - b. Other federal housing cases from around the nation
 - c. Washington area cases

Court Cases:

Below are sample federal and state court cases related to fair housing. The list is not mandatory or exhaustive, but rather a sample of resources for instructors.

- a. *Jones v. Alfred H. Mayer Co. (1968)* U.S. Supreme Court
Topic: Discriminatory practice/policy based on race.
Location: State of Missouri
Link: <https://supreme.justia.com/cases/federal/us/392/409/#tab-opinion-1947521>
- b. *Village of Arlington Heights v. Metropolitan Housing Development Corporation (1977)* U.S. Supreme Court
Topic: Discriminatory practice/policy barring families of various socio-economic and ethno-racial backgrounds from residing in a neighborhood.
Location: State of Illinois
Link: <https://supreme.justia.com/cases/federal/us/429/252/#tab-opinion-1951955>
- c. *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project (2015)* U.S. Supreme Court
Topic: When the text of antidiscrimination laws, such as the Fair Housing Act, refer to the consequences of actions and not just the mindset (intent) of the actors, and where consistent with the purpose of the statute, the antidiscrimination laws should be construed to encompass disparate-impact claims.
Location: State of Texas
Link: <https://supreme.justia.com/cases/federal/us/576/13-1371/case.pdf>
- d. *Bank of America Corp v. City of Miami (2017)* U.S. District Court for the Southern District of Florida and U.S. Supreme Court
Topic: Discriminatory practice/policy targeting minorities for higher-risk loans, which resulted in high rates of default and caused financial harm to the city.
Location: State of Florida
Link: <https://supreme.justia.com/cases/federal/us/581/15-1111/case.pdf>
- e. *Loveland v. Leslie (1979)* Washington State Court of Appeals, District 1
Topic: Discriminatory practice/policy based on marital status
Location: State of Washington
Link: <https://kingcounty.gov/~media/exec/civilrights/documents/marital.ashx?la=en#:~:text=In%20McFadden%20v.,or%20protect%2C%20co%2Dhabitation.&text=A%20housing%20provider%20has%20stated,2%20couples%20who%20are%20cohabiting>
- f. *State v. Celski & Associates, Inc. (2010)* Benton County Superior Court
Topic: Discriminatory practice/policy around refusal use to negotiate with a prospective tenant based on the use of rental assistance provided by U.S. Department of Veterans Affairs and U.S. Department of Housing and Urban Development to veterans with disabilities
Location: Kennewick, Washington
Link: <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Executed%20AOD.pdf>

- g. *State v. Dobler Management Company, Inc.* (2016) Pierce County Superior Court
Topic: Discriminatory practice/policy rejecting rental applicants with a felony conviction.
Location: Tacoma, Washington
Link: <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/6%20-%20Consent%20Decree.pdf>
- h. *State v. Realty Mart Property Management, LLC* (2017) Spokane County Superior Court
Topic: Discriminatory practice/policy against tenants receiving disability income because of a disability.
Location: Spokane, Washington
Link: https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/Consent%20Decree%20-%20Filed.pdf
- i. *State v. Marble Community Landowners Association, et. al.* (2020) Stevens County Superior Court
Topic: Discriminatory practice/policy involving restrictive covenants against expressed religious preference.
Location: Marble, Washington
Link: https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/About_the_Office/Open_Government/Sunshine_Committee/Materials/2020/AOD-Signed_10.5.20.pdf

The Role of the Broker and Managing Broker

Recommended Duration: 2 hours 30 minutes

Educational Objective: Understand your role as a broker and managing broker in relation to fair housing. Discuss common fair housing topics and unfair practices. Understand financial assistance programs and connection to protected classes. Learn about relevant government entities and certain complaint processes.

1. Discuss fair housing practices related to the role of the broker and managing broker and how to navigate common topics such as:
 - a. Gender pronouns
 - b. Understand and overcome language barriers
 - i. Tools could include:
 - Empathetic listening
 - Provide materials in multiple languages
 - Understand cultural differences
 - Minimize use of jargon

- c. Discuss options/responsibilities for accessibility such as, accommodating parking. Instructors are encouraged to discuss ADA and the Fair Housing Act as it applies to your audience.
 - d. See our “Resources for Instructors” page for samples and assistance.
2. Discuss specific common unfair practices such as:
- a. “Buyer introductory letters” (also called “love letters” or “unfair practice letters”) and a broker’s responsibilities under [RCW 18.86.030](#) – “Duties of broker” and how it could intersect with [RCW 49.60.222](#) – “Unfair practices with respect to real estate transactions, facilities, or services”. Discuss best practices for addressing these letters.
 - b. Potential types of discriminatory and unfair practices, such as:
 - i. Staging for specific demographics
 - ii. Blockbusting
 - iii. Redlining
 - iv. Advertising
 - v. Steering
 - vi. Property and community descriptions
3. Understand financial assistance programs and connection to protected classes
- a. Avoid unfair bias against protected classes and the promotion of specific financial products
 - b. Financial products that have common misconceptions could include:
 - i. Section 184 Indian Home Loan Guarantee Program
 - ii. VA Loans
 - iii. Down payment assistance programs and other affordable programs for low-to-moderate income homebuyers
4. Navigating complaints
- a. Discuss who can file complaints and those who can have reports filed against them, such as
 - i. Client/customer, brokers, lenders, etc.
 - ii. Property owners, property managers, developers, real estate agents, mortgage lenders, homeowner’s associations, insurance providers, and others who affect housing opportunities
 - b. Identify key federal and state agencies and discuss where to file complaints. This may include filing complaints with additional agencies and local entities not listed here. Federal and state agencies to file complaints with include:
 - i. **U.S. Department of Housing and Urban Development (HUD)** will accept complaints relating to discrimination under the Fair Housing Act, which includes private property.

- ii. The **Washington State Human Rights Commission (WSHRC)** will accept complaints relating to rental housing, real estate housing, rentals, and property management. A discrimination charge in housing must be filed with the WSHRC within one year from the date of the alleged violation.
- iii. **Department of Financial Institution (DFI)** accepts complaints against mortgage lenders and services, and others they regulate. They oversee banks, credit unions, mortgage lenders, escrow companies, consumer loan lenders, payday lenders, and security brokers/dealers.

Resources for Instructors

Below are sample resources related to fair housing; the list is not mandatory or exhaustive, rather sample resources for instructors.

Complaint filing:

- Consumer Financial Protection Bureau (federal consumer financial protection): www.consumerfinance.gov
- Department of Financial Institution (mortgage and home loans): www.dfi.wa.gov
- Fair Housing Center of WA: <https://fhc.washington.org/>
- Federal Trade Commission (federal consumer protection and unfair business practices): www.ftc.gov
- Housing and Urban Development (federal fair housing, financial assistance, and Violence Against Women Act): www.hud.gov
- Human Rights Commission (Washington Civil Rights Act violations): hum.wa.gov
- Washington Office of the Attorney General (civil rights violations and consumer protection): <https://www.atg.wa.gov/>
- Northwest Fair Housing Alliance: <http://nwfairhouse.org/#>
- Seattle Office for Civil Rights: <https://www.seattle.gov/civilrights/file-complaint>

State/Federal Agencies

- Governor's Committee on Disability Issues & Employment: www.esd.wa.gov/GCDE
- Governor's Office of Indian Affairs: www.goia.wa.gov
- U.S. Department of Justice: www.justice.gov
- U.S. Department of Housing and Urban Development www.hud.gov
- Washington State Attorney General's Office (Housing court cases): <https://www.atg.wa.gov/cases>
- Washington State Commission on Asian Pacific American Affairs: www.capaa.wa.gov
- Washington State Commission on African American Affairs: www.caaa.wa.gov
- Washington State Commission on Hispanic Affairs: www.cha.wa.gov
- Washington State Department of Veterans Affairs: www.dva.wa.gov/veterans-their-families/veterans-benefits/housing-resources
- Washington State Housing Finance Commission (home loans & down payment assistance): www.heretohome.org
- Washington State Human Rights Commission – Fair Housing: www.hum.wa.gov/fair-housing

- Washington State LGBTQ Commission: www.lgbtq.wa.gov
- Washington State Women’s Commission: www.wswc.wa.gov

Additional Resources

- American Disability Act: www.ada.gov
- Fair Housing Center of Washington: www.fhcwashington.org
- National Housing Law Project: <https://www.nhlp.org/>
- Non-native speaker resources: Human Rights Commission: www.hum.wa.gov/fair-housing/general-fair-housing-discrimination-brochures-language
- Northwest Fair Housing Alliance: www.nwfairhouse.org
- Reasonable Accommodations and Modifications: https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications
- The Seattle Civil Rights & Labor History Project (University of Washington): <https://depts.washington.edu/civilr/segregated.htm>
- Seattle Office for Civil Rights: <https://www.seattle.gov/civilrights>
- University of Washington Race & Equity Initiative: www.washington.edu/raceequity

Related topics and terminology (intended for conversational purposes, terms used from these resources are not legal definitions):

- City of Seattle Office for Civil Rights – Types of Racism: <https://www.seattle.gov/Documents/Departments/RSJI/Resources/RSJI-4-Types-of-Racism-August-2021-City-of-Seattle-Office-for-Civil-Rights.pdf>
- LGBTQ Commission General information & Definitions: <https://lgbtq.wa.gov/data/general-information-and-definitions>
- Washington State Diversity, Equity and Inclusion – Glossary of Equity-Related Terms (Office of Financial Management): <https://ofm.wa.gov/sites/default/files/public/shr/Diversity/SubCommit/DEIGlossaryofEquityRelatedTerms.pdf>
- Washington State University Gender Identity/Expression and Sexual Orientation Resource Center: <https://thecenter.wsu.edu/education-and-training/pronouns/>

Familial Status and Age - Potential conversational topics:

- Only allowing families with children to reside on certain floors of an apartment complex due to perceived noise.
- Evicting someone due to the birth of a child.
- Applying certain conditions to families with children.
- Prohibiting children from using amenities.
- Enforcing a “one person per bedroom” policy.

Level of Ability and Disability Status - Review U.S. Department of Housing and Urban Development’s (HUD) reasonable accommodations and modifications [website](#). Explain the requirement to provide equal rental housing by allowing reasonable "accommodations" (no or low-cost policy change) and "modifications" made to the physical property, usually at tenant’s expense.

Marital Status - Potential conversational topics:

- Refusing to rent to unmarried couples due to religious beliefs.

- Denying access to a home loan because the tenant is unmarried.
- Evicting a tenant due to divorce.
- Enacting curfews for overnight guests of single residents.

National Origin and Immigration/Citizenship Status - Potential conversational topics:

- Denying an applicant who is from a different region of the world.
- Refusing to assist an applicant because they have a strong accent or does not speak English.
- Denying rental housing because an applicant does not have a social security number due to citizenship or immigration status.

Race (or color) - Define ethnicity as belonging a social group that has a common cultural or national tradition such as a person being of Hispanic or Latino/a/x/e origin.

Potential conversational topics:

- Steering a person towards a specific geographical area because of their race.
- Making comments about a tenant's appearance, including their hairstyle.
- Utilizing marketing materials or techniques that targets one race over another.
- Appraising a home based on the neighborhood's racial makeup or the homeowner's race.

Religion/Creed - Understand that perception of a belief system by others may be unfairly based on how someone may dress, symbols in their home or business, jewelry, and/or other items, which may or may not include religion. This does not include political beliefs.

Potential conversational topics:

- Asking about an applicant's religion or beliefs.
- Denying an application due to their religion or creed.
- Utilizing marketing materials that target one religion over another.

Sexual Orientation (including Gender Identity, Gender Expression, and Sexual Orientation) - Understand gender identity is one's innermost concept of self as male, female, a blend of both, or neither. Understand that gender may differ from the sex assigned at birth. Gender may also be fluid and shift over time. Define sexual orientation as an inherent enduring emotional, romantic, or sexual attraction to other people.

Potential conversational topics:

- Providing better services to one sex over another
- Refusing to work with someone because of their gender identity
- Refusing services to someone based on a same-sex relationship status
- Commenting on the gender on an applicant's driver's license if it appears to differ from their gender identity
- Failing to recognize a name change
- Using ads that target individuals based on sex or show a preference
- Engage in sexual harassment such as *quid pro quo* or creating a hostile environment.
- Enforce policies that negatively impact domestic violence survivors.
- Apply different terms or conditions to one sex and not all.
- Deny applications based on gender identity.

Veteran Status - Potential conversational topics:

- Using ads that prohibit military persons.
- Making derogatory comments about a person's military status.
- Setting rent differently for members of the military versus non-military.
- Charging active armed forces tenants for early termination when a change of orders requires relocation.

Sources Used

- Age Discrimination in Employment Act (ADEA): <https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>
- Americans with Disabilities Act (ADA): www.ada.gov
- Equal Credit Opportunity Act: <https://www.justice.gov/crt/equal-credit-opportunity-act-1>
- "Guide to Service Animals and the Washington State Law Against Discrimination," Washington State Human Rights Commission: [Service Animals and the Washington Law Against Discrimination-032019.pdf](https://www.humanrights.wa.gov/Service-Animals-and-the-Washington-Law-Against-Discrimination-032019.pdf)
- HUD criminal history guidance: [Office of the General Counsel \(hud.gov\)](https://www.hud.gov/offices/cg/officeofgeneralcounsel/)
- LGBT Life Center: <https://lgbtlifecenter.org/pronouns/>
- "Marital Status Protection in Washington State" by Berneta Walraven, Washington State Human Rights Commission: [Marital Status Protection in Washington State \(kingcounty.gov\)](https://www.humanrights.wa.gov/Marital-Status-Protection-in-Washington-State-kingcounty.gov)
- Merriam Webster: <https://www.merriam-webster.com/>
- Municipal Research and Services Center of Washington: <https://mrsc.org>
- National Housing Law Project: <https://www.nhlp.org/initiatives/fair-housing-housing-for-people-with-disabilities/fair-housing-and-domestic-violence/>
- Oyez: <http://oyez.org>
- Seattle Office for Civil Rights: <https://www.seattle.gov/civilrights/civil-rights/fair-housing/fair-chance-housing>
- City of Seattle Office for Civil Rights – Types of Racism: <https://www.seattle.gov/Documents/Departments/RSJI/Resources/RSJI-4-Types-of-Racism-August-2021-City-of-Seattle-Office-for-Civil-Rights.pdf>
- The Seattle Civil Rights & Labor History Project (University of Washington): <https://depts.washington.edu/civilr/seggregated.htm>
- United States Department of Justice: <https://www.justice.gov/>
- U.S. Equal Employment Opportunity Commission: <https://www.eeoc.gov>
- Washington State Commission on Hispanic Affairs: www.cha.wa.gov
- Washington State Human Rights Commission: <https://www.hum.wa.gov/fair-housing>
- Washington State Legislature: <https://leg.wa.gov>

- Washington State LGBTQ Commission: <https://lgbtq.wa.gov/>
- City of Seattle Office for Civil Rights – Types of Racism: <https://www.seattle.gov/Documents/Departments/RSJI/Resources/RSJI-4-Types-of-Racism-August-2021-City-of-Seattle-Office-for-Civil-Rights.pdf>
- The Seattle Civil Rights & Labor History Project (University of Washington): <https://depts.washington.edu/civilr/segregated.htm>