

U.S. Department of Housing Urban Development
Office of Fair Housing and Equal opportunity

Affirmative Fair Housing Agreement for
Voluntary Use

By

Real Estate License

Law Officials

EQUAL HOUSING
OPPORTUNITY

U.S. Department of Housing and Urban Development and
National Association of Real Estate License Law Officials

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APPENDIX 16

Agreement Between
The National Association of Real Estate
License Law Officials
and
The United States Department of Housing and
Urban Development
to
Promote Fair Housing

Approved by
The National Association of Real Estate License Law Officials
on October 9, 1989

and

Approved by
The U.S. Department of Housing and Urban Development
on January 8, 1990

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Agreement Between

The National Association of Real Estate License Law Officials
and
The United States Department of Housing and Urban Development
To
Promote Fair Housing

In mutual recognition of the desirability of promoting equality of opportunity in housing through the regulatory functioning of real estate license law officials, the National Association of Real Estate License Law Officials (NARELLO) and the Department of Housing and Urban Development (HUD) have drafted a revised Affirmative Fair Housing Agreement, in consideration of the revisions made in the Fair Housing Act by the Fair Housing Amendments Act of 1988, effective March 12, 1989. A copy of the revised Agreement is attached hereto.

NARELLO and HUD believe that implementation of the Affirmative Fair Housing Agreement by individual members of NARELLO will have a salutary effect on the housing market in the members' respective jurisdictions. Accordingly, NARELLO and HUD pledge to strive to obtain execution of the Agreement by each member of NARELLO within the United States. NARELLO and HUD agree that, if the law or administrative practices in a member's jurisdiction would prevent full implementation of any provision of the Agreement, that provision may be modified by the member and HUD to the extent necessary to accomplish the purposes of the Agreement. NARELLO and HUD further pledge to render all possible assistance to the individual members in carrying out the Agreement's provisions.

In witness whereof, the following signatures are affixed hereto.

The National Association of Real Estate
License Law Officials

Date _____

By _____
President

The United States Department of
Housing and Urban Development

Date _____

By _____
Secretary

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Affirmative Fair Housing Agreement
Real Estate License Law Officials

1. PARTIES.

The following are parties to this Agreement:

A. Real estate license law officials of the _____
_____ of _____
known as the _____
(hereinafter referred to as the "Agency), and

B. The United States Department of Housing and Urban Development
(hereinafter referred to as "HUD").

II. BACKGROUND.

Title VIII of the Civil Rights Act of 1968, as amended, declares that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." This law, as amended by the Fair Housing Amendments Act of 1988, prohibits discrimination in the sale, rental and financing of housing, based on race, color, religion, sex, handicap, familial status, or national origin. Real estate license law officials, being responsible for regulating the practices of individuals and organizations engaged as real estate agents within their respective jurisdictions, are in an advantageous position to promote the national fair housing policy. Recognizing this circumstance, the National Association of Real Estate License Law Officials (hereinafter referred to as "NARELLO"), of which the Agency is a member, has developed this form of Agreement in conjunction with HUD in the belief and expectation that its voluntary implementation will advance said fair housing policy and the objectives and purposes of NARELLO.

III. PURPOSE.

This Agreement has the dual objectives of ensuring that opportunities in the real estate field are equally available to all, regardless of race, color, religion, sex, handicap, familial status, or national origin, and ensuring that persons in the real estate business are

informed of and held to their responsibilities under the fair housing laws. This Agreement also evidences the commitment of the Agency to utilize its powers in achieving the objectives of the Agreement and, when necessary and proper, to endeavor to obtain additional legislative authorization for the measures prescribed herein. Finally, the Agreement provides for the sharing of information by HUD and the Agency and the rendering of technical assistance by HUD to the Agency, all in furtherance of the Agreement's objectives.

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IV. DEFINITIONS.

As used in this Agreement:

- A. "License" shall mean the license, certification, registration or other evidence of Agency approval prerequisite to acting as a real estate broker, real estate salesperson, associate or otherwise engaging in real estate transactions.
- B. "Licensee" shall mean a person or organization acting under a current license.
- C. "Fair housing law" shall mean statutes, ordinances, regulations or the like which provide for equal opportunity in housing.
- D. "Fair housing principles and practices" shall mean the provisions of fair housing laws applicable to the real estate business and the professional activities of licensees as they are affected by said provisions.
- E. "Human rights agency" shall mean any agency of State or local government having authority to administer a fair housing law.

V. ACTION BY THE AGENCY.

- A. The Agency shall exercise its good offices and its regulatory authority to provide that:
 - 1. All licensees should be well informed as to fair housing principles and practices and, to that end, the Agency shall, with respect to education programs in which licensees and candidates for a license participate:
 - (a) include an appropriate fair housing component where the content of the program is subject to Agency control; and
 - (b) recommend inclusion of an appropriate fair housing component where Agency advice may be influential in determining the content of the program.
 - 2. Licensing examinations shall include questions on the subject of fair housing principles and practices.

3. Manuals containing licensing statutes and/or regulations furnished to licensees by the Agency shall include federal and State fair housing law or summaries thereof and include or indicate the existence of local fair housing law within the State.
4. Literature explaining the rights and remedies afforded consumers by fair housing law shall be made available to licensees by or through the Agency and licensees shall be

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encouraged to distribute such literature to clients and prospective purchasers and tenants.

5. Appropriate means shall be utilized to assist women, handicapped persons, and minority group members in entering the real estate business.
 6. Agency screening of license applicants, including the administration of licensing, examinations, shall preclude bias on the basis of sex, culture, race, ethnicity or handicap.
 7. Information and data obtained in the normal course of the Agency's operations and relating to the achievement of the objectives of this Agreement shall be made available upon request to NARELLO and HUD.
 8. Female, handicap and minority representation within the Agency and its staff shall be affirmatively sought.
 9. To the extent that Agency influence may properly be exercised for the purpose, the Agency shall support the implementation of Affirmative Marketing Agreements of the National Association of Realtors and the National Association of Real Estate Brokers, Inc. and shall support affirmative marketing activities among unaffiliated licensees.
 10. Liaison between the agency and State and local human rights agencies shall be maintained for the purpose of obtaining information regarding the involvement of licensees in fair housing law violations, subject to law governing confidentiality and privacy.
 11. The Agency shall enforce licensee compliance with fair housing law by taking action consistent with its disciplinary authority against licensees found to have violated a fair housing law.
- B. The Agency shall exercise its regulatory authority by the following methods:
1. In instances in which the objectives of this agreement may be achieved by implementation and enforcement by the Agency of

existing laws and regulations, the Agency shall implement and enforce such laws and regulations to the extent of its power to do so.

2. In instances in which the objectives of this Agreement may be achieved by adoption and enforcement by the Agency of additional regulations within its authority, the Agency shall undertake efforts to adopt and enforce such regulations.
3. In the event that the Agency lacks authority or funding to comply with a provision of this Agreement, of a State statute or other law prevents agency compliance with a

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provision of this Agreement said provision or provisions shall not apply unless and until the necessary authority or funding is supplied or the statutory or other legal restriction is removed.

VI. ACTION BY HUD.

- A. HUD shall undertake the following general measures to accomplish the objectives of this Agreement.
 1. Upon request of the agency, HUD shall render technical advice and assistance in planning and carrying out any of the agency actions provided for herein.
 2. HUD shall coordinate with NARELLO, the National Association of Realtors and the National Association of Real Estate Brokers, Inc., and other organized real estate industry groups, in order to secure their support for the agency actions provided for herein.
 3. Inasmuch as every allegation against a licensee which reaches HUD in the form of a fair housing complaint may also result in disciplinary proceedings against the licensee by the Agency, HUD shall seek the advice and assistance of the Agency whenever appropriate in resolving the complaint and shall cooperate with the Agency with respect to the conduct of any disciplinary proceedings relating to the matters alleged in the fair housing complaint; provided, however, that nothing in this provision, shall in any way restrict the enforcement activities of the Agency or the investigation, conciliation and enforcement activities of HUD under the Fair Housing Act (Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988).
 4. In the event that a licensee who is a respondent in a fair housing complaint filed with HUD is found by an administrative law judge or a U.S. District Court judge to have engaged in or to be about to engage in a discriminatory housing practice in the course of the licensee's business, HUD shall, within 30 days after the order making such finding becomes final:

(a) send a copy of the order, together with a copy of any findings of fact, conclusions of law, or written opinion, to the Agency; and

(b) recommend to the Agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

5. In the case of a second finding within a five-year period that the same licensee has engaged in or is about to engage in a discriminatory housing practice, HUD shall send to the U.S. Attorney General a copy of each order making such a finding.

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- B. In order to assist the Agency in fostering an awareness of housing principles and practices, HUD shall make available to the Agency the following materials:
 1. Literature suitable for public dissemination explaining the rights and remedies afforded by the Federal fair housing law;
 2. Instructional materials on fair housing principles and practices for use in educational programs;
 3. Materials suitable for inclusion in license manuals outlining and explaining the Federal fair housing law as it affects the professional activities of licensees; and
 4. Information regarding new developments in fair housing law and administrative practices which are of significance to the agency and its licensees.

VII. DURATION

This Agreement shall remain effective for so long as the parties hereto mutually desire.

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VIII. EXECUTION

The parties hereto have executed this Agreement as of the date set forth by their signatures.

(Date)

(Name of Agency)

By: _____

(Date)

The United States Department of Housing
and Urban Development

By: _____

(Assistant Secretary for Fair
Housing and Equal
Opportunity)

(Regional Administrator)

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