

THE FAIR HOUSING CHECKLIST

MICHIGAN REALTORS®

COURTESY

It is important to work through exactly how a prospective client is received by either the office support staff or the salesperson. This is true, regardless of whether the venue is an office or in the field. Are all prospective clients offered the same reception? How long must they wait before someone offers them services? How responsive are agents when they receive a voicemail or an email from a prospective client? In the initial meeting or discussion, are prospective clients offered brochures and/or literature? Are they offered immediate services regarding showings of homes or are they told that someone will phone them either that day or the next day for potential showings? With regard to courtesy, the law requires that all clients and home seekers be treated alike. If equal professional services are offered to all, there should be no problems. Customer service is a truly universal concept and it should be well-executed when it comes to fair housing law. From a broker's perspective, an agent's responsiveness should be consistent and exceptional.

INTERVIEWING

Getting a handle on the housing market that the prospective client is hoping to enter is a particularly sensitive situation. During the interview process, it is imperative that every prospective client is being asked the same questions concerning price range, type of housing preference, type of features desired. If the prospective client takes charge of the interview and narrows the housing search on their own accord then the agent should attempt to search accordingly and within the law – always remembering, however, to document the search process. Additionally, if the agent mostly facilitates the search, remember, if specific inquiries are made of some, they should be made of all.

And perhaps most importantly, educate agents of the dangers of making assumptions about the housing needs of a customer or client. In the real estate context, these assumptions are at the heart of nearly every instance of unconscious bias. Unconscious bias (aka implicit bias) is often defined as prejudice or unsupported judgments in favor of or against one person or group. These biases can present themselves without warning and with even the best intentions. An agent should always be mindful of the way they approach an interview and avoid interjecting assumptions, remembering that such assumptions are going to be born out of the agent's perspective – not that of the customer or client. An illustration of this misstep would be an agent telling a client or customer "this neighborhood you're looking at is great, but I think you may be more comfortable in..."

HOUSING AVAILABILITY

It is important for a salesperson to be aware of the number of available housing choices that are ready for immediate viewing. This is especially true with low inventory levels. For many agents, this comes down to entering criteria into the computer and receiving a detailed list of options. Be certain to include all homes that fit within the criteria given to you by the client. Also, do not assume that the client understands the way in which the search may be altered by the slightest variable. If a home meets the buyer's preference, do not omit showing it. Be careful to suggest the identical number and types of homes to all persons regardless of background – or take care to explain the reasons why the given criteria may have created limitations in possible listings. Note: The content, quality and quantity of the information provided as well as the level of service provided to all prospective clients should be equal – or well documented as to any deviation. Consistency is key.

LOCATION

Show all prospective clients the same locational choices unless you are specifically requested to show homes only in certain areas. All homes that fit the buyer's preferences must be shown to give as wide a freedom of choice of housing as possible. It should be the buyer's request and not your suggestion that determines the areas in which housing is sought – otherwise, you open the door for a potential fair housing claim. Requests for information and comments related to area schools should be objective and prospects should be referred to source documents to do their own inquiry.

FOLLOW-UP PLAN

This is arguably the most important thing to keep in mind. Out of sight should not be out of mind. Make sure the plan is consistent regarding all. If your brokerage has the practice of requesting contact information for a call back and receives the information but doesn't make a call back to a prospective client then it is necessary to look at the function of that internal policy. If the request is made for contact information and the prospective client does not have a phone or does not wish to give that information then it should be noted by the salesperson that the prospective client did not leave information for a follow-up.

