



Fair Housing is a Serious Matter!

Just So You Know

You have the right to sell your home to anyone at your required price as long as you don't discriminate against other qualified potential buyers based on their membership in any class that is protected under federal, state and/or local fair housing laws/ordinances.

A SELLERS' GUIDE

FOR QUESTIONS CONTACT:

Illinois Department of Human Rights
James R. Thompson Center
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
(312) 814-6200
www.illinois.gov/dhr

U. S. Dept. of Housing & Urban Development
Office of Fair Housing & Equal Opportunity
77 West Jackson, Suite 2101
Chicago, Illinois 60604-3507
(312) 353-5680
portal.hud.gov/hudportal/HUD?src=/states/illinois

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Illinois REALTORS®
P.O. Box 19451
Springfield, Illinois 62794-9451
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Marketing

Your property will be marketed to all home buyers without regard to race, color, religion, national origin, sex, familial status, disability, marital status, ancestry, unfavorable military discharge, age, military status, sexual orientation, order of protection status, arrest record, or membership in any other protected class. (The protected classes set forth above cover those protected under federal fair housing laws and under the Illinois Human Rights Act.) Any offer submitted that meets your terms may not be refused, nor may the property be taken off the market, because of the home buyer's membership in any protected class, whether it is one that is protected under federal law, state law, and/or under any local fair housing ordinance. Some local fair housing ordinances are stricter and include protected classes in addition to those covered under federal and state laws.

Advertising

All advertising must comply with federal, state and local fair housing laws:

Some examples of advertising include classified ads, display advertising, Internet advertising (online marketing), flyers, door hangers, information provided at an open-house, and information contained in multiple listing services (MLSs). Advertising can include making statements to someone.

Appointments/Showings

Representing that the property is sold, when in fact it is not, or refusing to negotiate in order to prevent a member of a protected class from viewing the property, would be examples of fair housing violations.

Obtaining initial information about prospective home buyers should be done in a uniform manner. For example, asking a member of a protected class for credit and financial information prior to making an appointment to view the property would be considered discriminatory unless every prospective home buyer was asked for the same information prior to making an appointment to view the property.

Additional Information

When a seller hires a real estate professional, the seller must not ask the real estate professional about the prospective home buyers' membership in a protected class. The real estate professional will not answer that question. It is illegal to direct a real estate professional to selectively show the property to only the "right" people. The "right" people must be those with sufficient funds to purchase the property. For buyers, your agent should show you all available listings that meet your criteria and as outlined in any brokerage agreement.

Possible Penalties for Discriminatory Practices

Anyone who refuses to abide by federal, state and/or any local fair housing laws could subject themselves to substantial penalties. Those penalties could include:

- Payment of monetary damages to aggrieved parties;
- Injunctions against the offending party;
- Monetary fines, payable by the offending party;
- Payment of attorneys' fees; and
- Payment of punitive damages to the party that was a victim of discrimination.

Examples of Federal Penalties

Those found in violation of federal fair housing laws could face penalties including:

For actions in front of an Administrative Law Judge:

Actual damages, injunctive relief, civil penalties: \$21,410 first offense, \$53,524 for second violation within 5 years and \$107,050 for a third violation within 7 years; reasonable attorneys' fees and costs.*

For actions in Federal District Court:

Injunctive relief, actual damages, attorneys' fees and costs, and punitive damages (no limit).

For Pattern or Practice Cases:

Civil Penalties of \$75,000 first offense; and an amount not exceeding \$150,000 for subsequent offenses.

*The figures are as of 2020 and increase periodically due to adjustments for inflation.

No seller may discriminate based on race...ever!



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