NAR Issue Summaries

Fair Housing / Fair Housing Protections Based on Sexual Orientation and Gender Identity

NAR Committee:

Fair Housing Policy Committee

What is the fundamental issue?

Since 2009, NAR's Code of Ethics obligates REALTORS® to provide equal professional service without discrimination based on sexual orientation. In 2013, that obligation was extended to include gender identity. Nationally, equal opportunity is protected on the bases of race, color, religion, sex (gender), handicap (disability), familial status (children in the household) and national origin. 22 states and numerous local laws prohibit discrimination on the basis of sexual orientation and nineteen states also prohibit discrimination on the basis of gender identity. In other states there are no such laws and it is not illegal to discriminate in the provision of housing and real estate services based on sexual orientation.

I am a real estate professional. What does this mean for my business?

REALTORS® are ethically committed to provision of equal professional service without discrimination based on race, color, religion, sex, familial status, handicap, sexual orientation, gender identity or national origin. Discrimination in the transaction limits the property rights of sellers and buyers and the ability of the REALTOR® to conduct business. The Fair Housing Act has provided a level playing field that protects housing providers and consumers from the adverse impacts of discrimination based on race, color, religion, sex, familial status and national origin. Since the federal law does not yet extend protections based on sexual orientation and gender identity, amending the law will embed the commitment to fairness all across the nation.

NAR Policy:

NAR opposes discrimination in housing based on race, color, religion, sex, handicap, familial status, sexual orientation, gender identity, and national origin. NAR's public policy was amended in 2009 to oppose discrimination based on sexual orientation. In November 2016, NAR federal legislative policy was adopted to oppose discrimination based on gender identity. NAR policy also authorizes sanctions in response to a finding that a member has violated any fair housing law, including local and state laws that prohibit discrimination based on sexual orientation or gender identity.

Opposition Arguments:

There are those who oppose civil rights protections based on sexual orientation and gender identity. There are differences of opinion about sexual orientation and gender identity that often are manifest in opposition or support for civil rights protections on these bases. In several states, there have been legislative efforts to allow discrimination on the basis of sexual orientation and gender identity based on religious beliefs.

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Legislative/Regulatory Status/Outlook

No actions at this time.

Current Legislation/Regulation (bill number or regulation)

None at this time.

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