

AGENDA



NATIONAL ASSOCIATION OF REALTORS®
2020 REALTORS® CONFERENCE AND TRADE EXPO

FAIR HOUSING POLICY COMMITTEE

MONDAY, NOVEMBER 9, 2020—2:30 PM to 4:00 PM CT

PURPOSE: To develop NAR's position on public policies promoting equal opportunity in housing and diversity within the real estate industry. To develop and oversee national fair housing and diversity partnership agreements with HUD. To identify fair housing education needs and goals. To share equal opportunity and fair housing knowledge, expertise, analysis, and information with other NAR committees, as appropriate.

PRESIDING

CHAIR, SANDRA A. BUTLER (OH)
VICE CHAIR, JEFFREY W. HICKS (GA)

LIAISON

COMMITTEE LIAISON, EZEKIEL T. MORRIS (IL)

STAFF

STAFF EXECUTIVE, BRYAN GREENE (DC)

I. CALL TO ORDER: SANDRA A. BUTLER

a. Approval of the [Minutes of the May 6, 2020 Midyear Meeting](#)

b. Approval of the Minutes of the September 16, 2020 Special Meeting

II. RE-AFFIRM POLICY ON HOMELESS SHELTER ACCESS, NOW PENDING BOD APPROVAL: SANDRA A. BUTLER

In response to a HUD proposed rule that would rollback a 2016 Equal Access Rule NAR's leadership took policy allowing the association to comment on the proposed rule. The proposed rule would limit the access to shelters for the transgender community. Click on the link below to access NAR's comment letter.

[NAR Comment Letter](#)

III. UPDATE ON ACT! PRODUCTS, INCLUDING PRESENTATION OF "FAIRHAVEN" LAUNCH VIDEO, IMPLICIT BIAS COURSE, HAVAS AD CAMPAIGN: SANDRA A. BUTLER, BRYAN GREENE

IV. DISCUSS CHANGE TO CODE OF ETHICS, ARTICLE 10, UPHOLDING VALUES OF NONDISCRIMINATION OUTSIDE HOUSING TRANSACTIONS: SANDRA A. BUTLER

Proposed Amendment to Article IV. Code of Ethics, Section 2 of the NAR Bylaws:

Recommendation: That the NAR Bylaws be amended to expand the definition of "public trust" to include all discrimination against the protected classes under Article 10 of the Code of Ethics and all fraud.

Rationale: At present, the definition of "public trust" includes demonstrated misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in substantial economic harm. This recommendation from the NAR Professional Standards Committee would expand the definition to include *all* discrimination against the protected classes under Article 10, and all fraud. As a result, associations would be required to share with the state real estate licensing authority final ethics decisions holding REALTORS® in violation of the Code of Ethics in instances where there is reason to believe the public trust, as expanded, may have been violated. This is recommended so the real estate licensing authority, and other governmental agencies as recommended by the Association, are made aware of any findings of a violation of the Code of Ethics involving discrimination.

If the recommendation is approved, Article IV. Code of Ethics, Section 2 of the NAR Bylaws, would be amended as follows (strikeouts indicate deletions, underscoring indicates additions):

Section 2. *Any Member Board which shall neglect or refuse to maintain and enforce the Code of Ethics with respect to the business activities of its members may, after due notice and opportunity for hearing, be expelled by the Board of Directors from membership in the National Association. Enforcement of the Code of Ethics also requires Member Boards to share with the state real estate licensing authority final ethics decisions holding REALTORS® in violation of the Code of Ethics in instances where there is reason to believe the public trust may have been violated. The "public trust", as used in this context, refers to demonstrated misappropriation of client or customer funds or property, willful discrimination against the protected classes under the Code of Ethics, or fraud resulting in substantial economic harm. Enforcement of the Code of Ethics also requires Member Boards to provide mediation and arbitration services to members and their clients so that the dispute resolution requirements of Article 17 of the Code of Ethics can be met.*

Enforcement of the Code of Ethics also includes responsibility for ensuring that persons primarily responsible for administration of enforcement procedures have successfully completed training that meets the learning objectives and minimum criteria established by the National Association from time to time.

Enforcement of the Code of Ethics also prohibits Member Boards from knowingly granting REALTOR® or REALTOR-ASSOCIATE® membership to any applicant who has an unfulfilled sanction pending which was imposed by another Board or Association of REALTORS® for violation of the Code of Ethics.

V. DIVERSITY COMMITTEE REPORT: BIKELE FRENELLE

VI. APPRAISAL NON-DISCRIMINATION WORK GROUP: JEFFREY W. HICKS, SEHAR SIDDIQUI

VII. J.P. MORGAN CHASE'S MINORITY LENDING COMMITMENT: JEFFREY W. HICKS

J.P. Morgan Chase is committing \$30 billion towards advancing racial equity. According to their website, "the firm will harness its expertise in business, policy and philanthropy and commit an additional \$30 billion over the next five years to provide economic opportunity to underserved communities, especially the Black and Latinx communities."

More information may be found at this link <https://www.jpmorganchase.com/news-stories/jpmc-commits-30-billion-to-advance-racial-equity>.

VIII. OVERVIEW OF EFFORTS BY COMMUNITIES NATIONWIDE TO ADDRESS LEGACY OF DISCRIMINATION, CREATE TARGETED HOUSING OPPORUTNITIES; DISCUSSION OF VA ACCOUNTABILITY FOR GI BILL DISCRIMINATION: BRYAN GREENE

IX. STATUS OF DISPARATE IMPACT – UPDATES TO NAR POLICY: JEFFREY HICKS, BRYAN GREENE

In July, NAR asked the Department of Housing & Urban Development to withdraw its proposed rule to amend the HUD interpretation of the Fair Housing Act's disparate impact standard. [In the letter\(link is external\)](#), NAR cites broad national consensus to advance efforts to eradicate racial discrimination while arguing HUD's revisions place too heavy a burden on the ability of parties to bring legitimate initial disparate impact claims.

NAR submitted initial comments to HUD after the Department unveiled its proposed rule last October. While commending HUD's stated goal to make its enforcement policy consistent with the Supreme Court decision in Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., NAR also expressed concerns that some of HUD's revisions place too heavy a burden on the ability to bring an initial disparate impact claim.

X. OPEN DISCUSSION

XI. ADJOURN