



Frequently Asked Questions: Fair Housing & COVID-19

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Q: Is it a violation of the Fair Housing Act (FHA) to prohibit children during showings in the MLS private remarks?

A: The National Association of REALTORS® (NAR) has provided that imposition of such restrictions is not a best practice. The Fair Housing Act prohibits discrimination based on familial status, and NAR has identified potential legal exposure with restrictions on children – and families with children. A best practice to limit those entering a home due to concerns related to COVID-19, would be to consider alternative restrictions instead, such as restricting showings to purchasers of record or restricting the number of visitors allowed in the home at a time. Remember to adhere to CDC best practices for preventing exposure to, and the spread of, COVID-19. The complete guidance is available here: <https://www.nar.realtor/coronavirus-a-guide-for-realtors#fairhousing>

Q: For property managers, is COVID-19 considered a disability under FHA standards?

A: Currently, it's not clear whether an individual with COVID-19 alone is considered a disabled person under FHA standards and this is something that will probably have to be determined by the courts. However, for some, COVID-19 may aggravate existing conditions creating a disability, or new needs may develop with regards to an underlying disability. As such, the best practice for property managers would be to respond to COVID-19 concerns in accordance with legal obligations under the FHA and related regulations such as the Americans with Disabilities Act (ADA). Property managers who receive requests from tenants or applicants with COVID-19 should assess each request case-by-case under the same general reasonable accommodation parameters. Property managers are entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation or modification may be necessary because of a disability.

For more information, please review the NAR's Guidance for Fair Housing Compliance During the COVID-19 Pandemic: <https://www.nar.realtor/sites/default/files/documents/NAR-COVID-19-FH-QAs-05-2020.pdf>

June 9, 2020

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