

## THE NAR CODE ~ YOUR PROMISE

3.0 Hours FH

**OBJECTIVE:** The course provides the licensee the history, purpose and process of the NAR Code of Ethics and standards of professionalism as licensees with a focus on Fair Housing.

*your guide to . . .*

### I. Market Trends Impacting Real Estate

- A. Arizona Economy
- B. Trends/Issues

### II. NAR - Real Estate History

- A. Pre 1900's State of the U.S.
- B. Impact on the Industry and Business Ethics
- C. Recent Changes

### III. Comparing the Code to Law – Fair Housing

- A. Code Articles
  - i. Article 3
  - ii. Article 10
    - a. Prohibiting Hate Speech
- B. Title VII – Civil Rights Act 1968
- C. A.R.S. 41-1491, ARS 1492 (ADA)

### IV. Case Studies

- A. Canady v. Prescott Canyon Lakes
- B. State v. Mlynarczyk
- C. Nolan v. Starlight Homeowners Assoc.
- D. AZ State v. Ogrzaly
- E. State v. Sale

### V. Court Rulings

- A. Avanti v. Smith (Colorado Supreme Ct.)
- B. Equal Rights Center and the Washington
- C. Lawyers Committee v. Mid-America Apartments

### VI. Q & A

**NAR history, Our PROMISE of EXCELLENCE; Self Policing Industry; Our role as a professional; embracing diversity; What can we do better individually and as an organization.**

**W**hile the **Code of Ethics and Standards of Practice of the National Association** establishes objective, enforceable ethical standards governing the professional conduct of REALTORS®, it does not address issues of courtesy or etiquette. Based on input from many sources, the Professional Conduct Working Group of the Professional Standards Committee developed the following list of professional courtesies for use by REALTORS® on a voluntary basis. This list is not all-inclusive and may be supplemented as a result of local customs and practices.

**T**hese professional courtesies are intended to be used by REALTORS® on a voluntary basis and cannot form the basis for a professional standards complaint.

## I. Respect for the Public

1. Follow the "Golden Rule": Do unto other as you would have them do unto you.
2. Respond promptly to inquiries and requests for information.
3. Schedule appointments and showings as far in advance as possible.
4. Call if you are delayed or must cancel an appointment or showing.
5. If a prospective buyer decides not to view an occupied home, promptly explain the situation to the listing broker or the occupant.
6. Communicate with all parties in a timely fashion.
7. When entering a property ensure that unexpected situations, such as pets, are handled appropriately.
8. Leave your business card if not prohibited by local rules.
9. Never criticize property in the presence of the occupant.
10. Inform occupants that you are leaving after showings.
11. When showing an occupied home, always ring the doorbell or knock—and announce yourself loudly before entering. Knock and announce yourself loudly before entering any closed room.
12. Present a professional appearance at all times; dress appropriately and drive a clean car.
13. If occupants are home during showings, ask their permission before using the telephone or bathroom.
14. Encourage the clients of other brokers to direct questions to their agent or representative.
15. Communicate clearly; don't use jargon or slang that may not be readily understood.
16. Be aware of and respect cultural differences.
17. Show courtesy and respect to everyone.
18. Be aware of—and meet—all deadlines.
19. Promise only what you can deliver—and keep your promises.
20. Identify your REALTOR® and your professional status in contacts with the public.
21. Do not tell people what you think—tell them what you know.

## II. Respect for Property

1. Be responsible for everyone you allow to enter listed property.
2. Never allow buyers to enter listed property unaccompanied.
3. When showing property, keep all members of the group together.
4. Never allow unaccompanied access to property without permission.
5. Enter property only with permission even if you have a lockbox key or combination.

6. When the occupant is absent, leave the property as you found it (lights, heating, cooling, drapes, etc.) If you think something is amiss (e.g. vandalism), contact the listing broker immediately.
7. Be considerate of the seller's property. Do not allow anyone to eat, drink, smoke, dispose of trash, use bathing or sleeping facilities, or bring pets. Leave the house as you found it unless instructed otherwise.
8. Use sidewalks; if weather is bad, take off shoes and boots inside property.
9. Respect sellers' instructions about photographing or video graphing their properties' interiors or exteriors.

### **III. Respect for Peers**

13. Identify your REALTOR® and professional status in all contacts with other REALTORS®.
14. 2. Respond to other agents' calls, faxes, and e-mails promptly and courteously.
15. Be aware that large electronic files with attachments or lengthy faxes may be a burden on recipients.
16. Notify the listing broker if there appears to be inaccurate information on the listing.
17. Share important information about a property, including the presence of pets, security systems, and whether sellers will be present during the showing
18. Show courtesy, trust, and respect to other real estate professionals.
19. Avoid the inappropriate use of endearments or other denigrating language.
20. Do not prospect at other REALTORS®' open houses or similar events.
21. Return keys promptly.
22. Carefully replace keys in the lockbox after showings.
23. To be successful in the business, mutual respect is essential.
24. Real estate is a reputation business. What you do today may affect your reputation—and business—for years to come.

**IDENTIFY ONE ITEM IN EACH SECTION THAT YOU COULD IMPROVE IN YOUR BUSINESS PERFORMANCE THAT WOULD HAVE A POSITIVE IMPACT ON ALL OTHERS IN A TRANSACTION.**

**I. RESPECT FOR THE PUBLIC:**

**II. RESPECT FOR PROPERTY:**

**III. RESPECT FOR PEERS**

# Assistance Animals Under the Fair Housing Act

Similar to the ADA, the FHA prevents housing providers from discriminating against tenants with physical or mental disabilities. Even if a lease prohibits or restricts pets in a “dwelling,” landlords must make “reasonable accommodations” for “assistance animals.”

It is important to note the FHA’s use of the term “assistance animal,” which is different than the ADA’s “service animal.” Although it is clear that assistance animals are not pets, the definition of assistance animal under the FHA extends beyond dogs and also removes the specific training requirement.

A U.S. Department of Housing & Urban Development memorandum offers guidance to housing providers who encounter requests for a reasonable accommodation involving an assistance animal. In those situations, the landlord should determine:

1. Does the person seeking to use and live with the animal have a disability – i.e., a physical or mental impairment that substantially limits one or more major life activities?
2. Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person’s existing disability?

If the answers to both questions are yes, the FHA requires the housing provider to alter or create an exception to any “no pets” policy that would then allow the disabled person to occupy the premises with his or her assistance animal – regardless of breed, size, or weight. The landlord may still deny the request if, among other things, the assistance animal would directly threaten the health or safety of others or would cause substantial physical damage to others’ property that could not be reduced or eliminated by another reasonable accommodation.

## Additional Considerations

Despite differences in the definitions and legal protections relating to service animals and assistance animals, the following are some additional points that businesses, landlords, and employers should keep in mind regarding what they can and cannot do:

- Service and assistance animals are not required to wear a vest, identification tag, or specific gear or harnesses;
- Proof of the animal’s training, certification, or licensure is not required when evaluating a request for reasonable accommodation;
- People with disabilities may train their animals themselves – use of a professional training program is not required; and
- Absent damage caused by the animal, no additional fees can be charged for the animal’s presence on the property.