



# SELLER OBLIGATIONS UNDER FAIR HOUSING LAWS

If you are selling your home, it is unlawful under federal, state and local laws for you to discriminate or participate in discrimination against any potential buyer(s) based on certain protected characteristics, including but not limited to *race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income, and familial status*.

## What Types of Seller Conduct Can Violate Fair Housing Laws?

- Refusing to sell, negotiate, or show a property or otherwise making a house unavailable because of the potential purchaser's protected characteristic
- Setting different terms, conditions, or privileges of sale, or provide different services in connection with a sale because of the potential purchaser's protected characteristic
- Claiming that available housing is unavailable for inspection or sale because of the purchaser's protected characteristic
- Use of advertising that expresses a preference or limitation based on membership in a protected class
- Imposing different sales prices for the sale of a house based on the potential purchaser's protected characteristic
- Using different qualification criteria or requirements because of a potential purchaser's protected characteristic
- Asking questions or accepting letters from buyers that reveal or could reveal a buyer's protected characteristic
- Describing demographics of neighbors, school districts, neighborhoods, or likelihood of crime, even if the buyer is asking these questions
- Instructing a REALTOR® acting as your agent to convey for you any limitations in the sale, as a REALTOR® is also bound by law and the REALTOR® Code of Ethics not to discriminate or aid in discrimination

## What Can Happen if a Seller Violates Fair Housing Laws?

Buyers have the right to file a complaint if they believe they were victims of housing discrimination and must be provided with a disclosure notice of their rights. Violating Fair Housing Laws can result in:

- Assessment of money damages
- Attorney fees
- Civil fines
- Penalties against the seller

*This information is not intended to be a complete summary of applicable fair housing laws. Please consult with your own legal counsel if you have any questions about your legal obligations.*

For more information visit: [dhr.ny.gov/fair-housing-guide](https://dhr.ny.gov/fair-housing-guide)