



# SALES ASSOCIATE COURSE

## **CHAPTER 7**

Federal and State Laws Pertaining to Real Estate



## Livestream Students: WEBCAM POLICY

**To receive credit for this course:**

1. Camera must be **ON**

**AND**

2. Student must be **VISIBLE** to the instructor for the **ENTIRE** time class is in session

- No driving around during class, running errands, sleeping on camera, etc. We can see you!
- **No Exceptions**
- Repeat students that do not need course credits may attend without having their camera on.

A young girl with dark hair wearing a black hijab is looking directly at the camera. Her hands are raised, with her index fingers pointing towards her eyes and her thumbs pointing towards her cheeks, framing her face. The background is a soft-focus outdoor scene with green foliage and a blue sky.

**Webcam Policy Reminder!**

- Prohibits discrimination on the basis of race only
- Relates to right to inherit, purchase, lease, sell, hold and convey real and personal property
- Applies to everyone, all the time with no exceptions



# Civil Rights Act of 1866





# **Civil Rights Act of 1968 (Federal Fair Housing Act)**

- Prohibits discrimination in sales, leasing, advertising, financing or brokerage services based on:
  - Race
  - Color
  - Religion
  - Sex
  - National Origin

- Housing covered by the act include
  - **Single family homes**
    - Not privately owned
    - Privately owned if broker is involved
    - Privately owned if owner has more than 4 units
    - Privately owned if owner has sold 2 or more in last 2 years not owner occupied
  - **Multifamily**
    - 5 or more units
    - 4 or less unless owner occupies one



## Civil Rights Act of 1968



# Civil Rights Act of 1968

- Specific violations
- **Blockbusting** - inducing owners to sell based on the entry of members of a protected class moving into neighborhood
- **Steering (Channeling)** – people into or away from a neighborhood or advertising using catchwords suggesting protected classes.
- **Redlining** - denying loans or insurance in certain neighborhoods based on the age of the property, income level of residents or racial composition



# Exemptions to the Civil Rights Act of 1968

- Lodging in a private club
- Properties owned by churches or fraternal clubs
- Can restrict occupancy to members as long as they don't discriminate in member selection
- Rental of rooms of private dwellings up to 4 families

- Includes
- People with physical or mental impairment that limit life activities
- People with drug addictions
- Persons with HIV and recovering alcoholics
- Persons with acquired immune deficiency syndrome (AIDS)
- Women who are pregnant
- People with children under age 18



## **1988 Fair Housing Amendment**





# **Familial Status Exemptions**

- Housing occupied by persons 62 years of age and older
- Housing with 80% of the units are occupied by persons over the age of 55
- Housing for elderly or poor that are financed or subsidized by state or federal government agencies

# Civil Rights Acts / Protected Classes

## Year Added

## Protected Classes

## Memory Aid

**1866**

Civil Rights Act

**R**ace

**R**ealtors

**1968**

Title VIII of the Civil Rights Act (Fair Housing Act)

**C**olor

**C**an

**R**eligion

**R**eally

**S**ex

**S**ell

**N**ational Origin

**N**ice

**1988**

Fair Housing Amendment Act

**H**andicap

**H**ouses

**F**amily Status

**F**ast



# Equal Housing Opportunity

All brokerage offices  
must display  
HUD's Equal Housing Opportunity poster



EQUAL HOUSING  
OPPORTUNITY

# Americans with Disabilities Act of 1990

- Federal Law designed to remove barriers for disabled individuals
  - Includes employment and accessibility
- Multifamily Dwelling Units must be constructed so common use portions are readily usable by all persons with disabilities
- Modifications when readily achievable and economically feasible



# Florida Fair Housing Act



- **HUD Exemption for Adult Communities**
  - Solely occupied by persons 62 and older
  - 55 older – at least one household member
- **False information**
  - Administrative Fine of \$500
  - Court fines \$10,000 to \$50,000
- **Stigmatized Properties**
  - AIDS or HIV
  - Homicide
  - Suicide
  - Death

## **Part I**

- Non-residential tenancies

## **Part II**

- Residential tenancies

## **Part III**

- Self-service storage

# **Florida Landlord and Tenant Act**

The background of the slide is a blurred image of an open book with handwritten notes in cursive. A pen is resting on the pages. The text 'Florida Landlord and Tenant Act' is overlaid in white, bold font on the right side of the image.

# Florida Landlord and Tenant Act

- Security deposits and advance rents
- Landlord must notify tenant within 30 days how deposit is being held:
  - Florida non-interest bearing account
  - Florida interest bearing account and pay the tenant either 75% of the earned interest or 5% simple interest
  - May use the funds by paying 5% interest and posting a surety bond with the circuit court
- If landlord uses agent, deposits and advance rents must be in escrow account
- Exception to Act – landlords who rent fewer than 5 units not using real estate broker



- Tenant vacates premises
- 15 days to return if no claim on deposit
- 30 days notice if there is a claim on the deposit
- Certified mail
- Tenant must object within 15 days after receipt
  - No objection – landlord can deduct claim amount & return balance to tenant within 30 days after notice of claim



## **Return of Security Deposit**







# Tenant Obligations

- Maintain dwelling units in compliance with building and health codes
- Do not destroy or remove any part of the premises
- Do not disturb neighbors
- Do not commit a breach of peace

# Landlord Access

- 12 hours notice for repairs
- 7:30am – 8:00pm
- May not harass tenant
- Enter anytime to preserve premises (fire, flood, etc.)



# Termination of a Lease



- Landlord must maintain dwelling units in compliance with building and health codes
  - 7 days to repair after tenant notice
  - If not, tenant can terminate
- Tenant violates lease terms
  - Landlord may deliver written termination
  - 7 days for tenant to move from notice receipt

# **Failure to Pay Rent**

- Landlord delivers written demand for rent or possession
- Tenant doesn't pay for 3 days after notice
- Landlord may terminate lease

- **Landlord cannot:**
  - Terminate utilities
  - Prevent tenant from gaining access to the unit
  - Remove outside doors or locks
  - Remove tenant's personal property
- **If Landlord violates**
  - Landlord may be liable for actual damages or 3 month's rent whichever is greater + costs

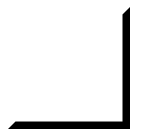


## Prohibited Practices



# Exceptions to Florida Landlord Tenant Act

- Nursing Home
- Property in sale contract
- Hotels, Motels
- Cooperative
- Owners of Condos



# Telephone Solicitation Laws

- **Federal Communication Commission**
  - **“Do Not Call” list**
    - Calls can only be made with prior written consent
      - Exceptions
        - Prior business relationship (**18 months**)
        - Personal relationship
        - Respond to inquiry (**3 months**)
- Hours for calling: **8:00am – 9:00pm**
- Caller must give identifying information





# Telephone Solicitation Laws

- Florida violation - \$10,000 fine
- Federal violation - \$40,000 fine
- Federal list
- May call for-sale-by-owners (FSBO) if buyers are interested in purchasing
- May not solicit the listing
- Florida – ok to solicit the listing
- Exception – political candidates, charities, persons conducting surveys



## The Interstate Land Sales Full Disclosure Act

- Regulates land sales by developers of residential subdivisions of 100 or more improved lots
- Property report must be provided to purchasers
- Upon receipt of property report purchasers have 7 days to cancel
- Property report not provided, purchasers can cancel contract for up to 2 years

## Laws





# Coffee Break

15 Minutes