

Guidance for Fair Housing Compliance During the COVID-19 Pandemic

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During the COVID-19 pandemic, REALTORS® continue to play an important role in assisting people to find homes. On March 4, NAR published [Coronavirus: A Guide for REALTORS®](#), which is continually updated based on evolving guidance from the World Health Organization, the Centers for Disease Control and Prevention (CDC) and the White House, among others. These frequently asked questions about complying with the Fair Housing Act during the COVID-19 pandemic supplement our previous guidance.

What anti-discrimination laws apply to housing during the COVID-19 pandemic?

Federal and state fair housing laws remain intact during the COVID-19 pandemic. Those laws make it unlawful to discriminate on several protected bases, including disability and national origin. The pandemic provides a unique set of circumstances for navigating federal antidiscrimination provisions. First, each real estate professional must determine whether they will provide services during this time. To the extent they continue to make services available, the Fair Housing Act applies. Such services should be provided on an equal basis while recognizing that no one is required to engage in any transactions that put their health or safety, or the health and safety of others, at risk. If reasonable accommodations can be made to provide housing or services to individuals with COVID-19, without threatening the health or safety of others, the federal Fair Housing Act calls for such accommodations to be made.

Are individuals who have COVID-19 covered under the national origin protections of the federal Fair Housing Act?

Yes. When an infectious disease, such as COVID-19, is associated with a specific population or nationality, fear and anxiety may lead to social stigma and discrimination. REALTORS® may not discriminate against individuals on the basis of their national origin, even if they are from other countries that have also been hit particularly hard by the COVID-19 pandemic.

Are individuals who have COVID-19 covered under the disability protections of the federal Fair Housing Act?

This is a novel question that may ultimately be resolved by a court. Based on information currently available, COVID-19 can have severe symptoms for some people and therefore may ultimately be interpreted as a disability for purposes of fair housing law. Therefore, while it has not been conclusively determined whether COVID-19 constitutes a “disability” under the Fair Housing Act, it is advisable to treat individuals who have COVID-19 as being covered by federal disability protections.

- declining to show occupied apartments and houses;
- asking individuals to view apartments and houses one at a time;
- asking individuals to maintain six feet from others and not to touch surfaces;
- ensuring that surfaces are cleaned often and thoroughly;
- using personal protective coverings;
- offering virtual showings of properties; and
- providing addendum options such as a Sight Unseen Rider or a contingency that the contract is subject to a later in-person visit at a specified later date in time.