
AFFIRMATIVE MARKETING AGREEMENT
NATIONAL ASSOCIATION OF REAL ESTATE BROKERS
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Executed this date Friday, May 14, 1976,
in Washington, D. C.

John D. Thompson
President
National Association of Real
Estate Brokers

James H. Blair
Assistant Secretary
Fair Housing and Equal
Opportunity

AFFIRMATIVE MARKETING AGREEMENT
NATIONAL ASSOCIATION OF REAL ESTATE BROKERS

I. PARTIES

- A. The undersigned officers of the National Association of Real Estate Brokers and its individual members whose names and signatures appear in Part IX of this Agreement.
- B. The U. S. Department of Housing and Urban Development (HUD) through the authorized representatives whose names and signatures appear in Part X of this Agreement.
- C. Non-signatory members of any classification may become signatories at any time during the life of this Agreement, provided that the member first advises the Department of Housing and Urban Development of intention in writing to become signatory to this Agreement, and provided that the Department approves and accepts the offer made by the member. Said member shall become a signatory to this Agreement only after the successful completion of the above procedure. The new signatory shall sign both the National Association of Real Estate Brokers and HUD copies of this Agreement.

II. DEFINITIONS

- A. Affirmative marketing is defined as a program to inform the minority community of the homes listed for sale or rent by Realtists, of the services offered by Realtists in selecting a home for purchase, and of the availability of these homes and services to all buyers without regard to race, color, religion, sex or national origin.
- B. Buyer is defined to include, to the extent applicable, a person seeking to rent, as well as buy, residential property.
- C. Member is defined as a Realtist who is a signatory to this Agreement
- D. Associate is defined to mean a sales employee or a salesperson associated with a Realtist in an independent contractor status.
- E. Fair Housing Laws include both the 1866 Civil Rights Act, interpreted by the United States Supreme Court in Jones v. Mayer to prohibit discrimination in the acquisition or disposition of all real property, and the 1968 Fair Housing Act.

- F. This Voluntary Agreement is intended to implement the Congressional directive set forth in Section 809 of the 1968 Fair Housing Act: " The Secretary of the Department of Housing and Urban Development shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and her suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement." 42 U.S.C. 3609 .

III. Goal

The Goal of HUD and the National Association of Real Estate Brokers signatories to this Agreement is to implement through local voluntary action the policy expressed by Congress in the first sentence of the 1968 Housing Act: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States."

Based on the premise that an informed choice is a free choice, the goal of this Agreement is to provide information that will enable minority and non-minority buyers to make a free choice of housing location. The object of marketing is to sell; the object of Affirmative Marketing is to sell

free choice.

IV. PROGRAM

The National Association of Real Estate Brokers (the Realtist), and the member Realtists who are signatories to this Agreement, agree to adopt and undertake the following affirmative steps designed to implement its purpose.

A. ADVERTISING

1. The National Association of Real Estate Brokers shall, within 60 days of the date of this Agreement and quarterly thereafter, place in a newspaper of general circulation, Affirmative Marketing Advertisements. Some of this advertising should promote the use of minority brokers in other than racially changing areas of minority concentration.
2. The National Association of Real Estate Brokers shall negotiate with local newspapers, television, and radio stations for the donation of space and time for the presentation of the National Association of Real Estate Broker's Affirmative Marketing Advertising to the public, and the publication of the recommended

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"Publisher's Notice," as set forth in HUD's Advertising Guidelines.

3. Each member shall include the Equal Opportunity slogan or logo (Attachment A) in all display or classified advertising of six column inches or larger, and in all other advertising where its inclusion does not significantly increase the cost of advertising. Alternatively, inclusion of the slogan or logo is not necessary in any classified advertisement where the "Publisher's Notice" referred to in the previous paragraph appears on the page containing the advertisement.
4. Each member shall display the equal housing opportunity slogan or logo in all classified advertising of six column inches or larger in all brochures, circulars and on billboards in such size as to be clearly visible to passing motorists.
5. As requested, HUD shall provide technical assistance to the National Association of Real Estate Brokers

and to its members in developing advertising techniques consistent with the objectives of this provision.

6. Each member shall make special outreach efforts to inform minorities of housing opportunities available in areas of majority concentration and make similar efforts to inform the majority white population of available housing opportunities located in areas of minority concentration.

B. Posting of Signs

Each Realtist shall display the Fair Housing Poster.

C. Development of Educational Materials and Training Courses

1. The National Association of Real Estate Brokers shall develop educational materials and training courses for member Realtist firms, their Associates, and new applicants for Broker or Associate membership with assistance from HUD's Area EO staff in the following areas.
 - (a) The duties, obligations and rights of Realtists under the U.S. Fair Housing Laws;

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- (b) The goals and programs of this Affirmative Marketing Agreement.
2. Each Realtist shall make a Handbook for Realtist available to all Associates, encourage them to become familiar with it, and urge them to attend and participate in the National Association of Real Estate Brokers Training Courses.
3. Each Realtist shall, within 60 days after the effective date of the Agreement, conduct an informational program for its sales personnel, agents and employees to inform the same of their responsibilities under this Agreement and U.S. Fair Housing Laws. Each Realtist shall strongly encourage their sales personnel, agents and employees to comply with this Agreement and with U.S. Fair Housing Laws.

D. Development of Office Procedures and Techniques to Carry Out the Purposes of this Agreement

1. Within 30 days after receipt, the National Association of Real Estate Brokers shall disseminate to members suggested principles of office management as promulgated from time to time by the National Association of Real Estate Brokers.

Such principles shall be designated to achieve the goal set forth in Part III of this Agreement and shall address the following areas of concern:

- (a) Procedures to insure that prospective purchasers are made aware of an optimum number (consistent with the resources of the member firm) of available locational choices within their price and interest ranges;
- (b) A means of providing prospects with complete and accurate information on availability of homes, alternative methods of financing, and other facts affecting prospects' choice of location (such as schools, employment, transportation, etc.)
- (c) Methods of eliciting opinions of non-minority and minority buyers (e.g., by suggestion box, questionnaire, etc.) on ways in which real estate services to all buyers can be improved

or altered to increase Board and member responsiveness to their needs;

- (d) A system of recording the names of prospects and the address of homes shown to prospects to enable management to monitor the performance of Associates in carrying out the purposes of this Agreement.
2. Each member is encouraged to advise the National Association of Real Estate Brokers periodically as to whether adherence to the suggested office management procedures is achieving its intended purposes and inform the National Association of Real Estate Brokers as to any changes or innovations deemed necessary or advisable.

3. HUD shall provide technical assistance as requested by the National Association of Real Estate Brokers in developing or in measuring the effectiveness of the above office procedures.

E. Non-Minority Brokers, Association and Employees

1. In order to promote equal housing opportunity within the National Association of Real Estate Brokers and each signatory firm, and to project the image to both the general public and to all homeseekers, the National Association of Real Estate Brokers shall encourage non-minority brokers to apply for membership through letters of invitation, accompanied by an application form, and through personal visits and telephone calls.
2. In order to promote the recruitment of non-minority brokers, the National Association of Real Estate Brokers shall review its present membership policies and practices, and, where necessary, adopt and implement affirmative procedures, standards and criteria for the selection and admission of members which shall be non-discriminatory and non-exclusionary in terms of race, color, religion, sex or national origin.
3. The National Association of Real Estate Brokers shall sponsor outreach and training programs to attract members of non-minority groups into the real estate industry as licensed real estate brokers and salespersons.

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4. HUD shall assist the National Association of Real Estate Brokers and individual members in identifying potential non-minority applicants and employees.

F. Affirmative Marketing for Homesellers

In order to promote awareness by homesellers of the requirements of U.S. Fair Housing Laws and the equal housing opportunity policy of the National Association of Real Estate Brokers, each member shall encourage all Associates to distribute copies of a flyer which will be developed by the National Association of Real Estate Brokers in conjunction

with the Voluntary Compliance Staff of the HUD Assistant Secretary for Fair Housing and Equal Opportunity.

G. Authorization of Expenses

The National Association of Real Estate Brokers shall authorize reasonable expenditures as needed to appropriately carry out the Basic Program as set forth herein above.

H. Development of Coalition Areawide Plans

Each member who is a signatory to this Agreement shall encourage all real estate related organizations and individual firms, fair housing and civil rights groups, and state and local units of government to join together in adopting areawide plans of affirmative action in their respective regions.

Such coalition type plans may consist of local associations of real estate brokers and mortgage bankers, local associations of apartment house owners and managers, commercial banking institutions, fair housing committees and state and local municipalities.

V. Implementation

A. The National Association of Real Estate Brokers, with the cooperation of the member Realtists who are signatories to this Agreement, will establish an Equal Opportunity Committee which will have the following responsibilities:

1. To explain and publicize the purposes and provisions of this Agreement to all member Realtists (and

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through them to their Associates) in order to achieve as broad as possible participation in this Agreement by members.

2. To implement and monitor the progress of the program set out in Part IV of this Agreement.
3. To receive and investigate complaints of violations of this Agreement and to refer such complaints to the Ethics Committee which will follow established

enforcement procedures.

4. To meet at least semi-annually with representatives of HUD, the State or local human rights agency, and representatives of the Community Housing Resources Board (see below) to assess progress.
- B. Each member will be responsible for implementing and monitoring the progress of his/her firm's affirmative marketing procedures.
 - C. HUD will designate specific Regional or Area Office Personnel who will provide the National Association of Real Estate Brokers, members, and the local Association of Real Estate Broker's Equal Opportunity Committee with technical assistance, information, and advice necessary to implement this Agreement.
 - D. HUD, in conjunction with State and/or local human rights agencies, will organize a Community Housing Resources Board, consisting of representatives of community organizations, fair housing councils, and other civil rights groups throughout the metropolitan area that have a substantial interest in housing and equal opportunity. The Community Housing Resources Board will meet regularly with the local Board and assist it with any problems which may arise in the implementation of this Agreement.
 - E. HUD shall affirmatively seek the participation of Realtist representatives to the Community Housing Resource Boards of the National Association of Realtors Agreements. Likewise, HUD shall affirmatively seek the participation of Realtors by representation to the Community Housing Resource Boards with the National Association of Real Estate Board Agreements.

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Authorization of Expenditures

The National Association of Real Estate Brokers shall authorize reasonable expenditures as needed to appropriately carry out the program set forth in this Agreement.

VII. Acceptance of Agreement by HUD in Lieu of Individual Affirmative Fair Housing Marketing Plans

When any signatory to this Agreement hereafter is an applicant for participation in FHA programs, and is subject to

the requirements of the HUD Affirmative Fair Housing Marketing Regulation or the Joint HUD-VA Non-discrimination Certification, said signatory shall, in lieu of submitting an individual affirmative marketing plan or executing the Non-discrimination Certification, reference his participation in the program described in this Agreement.

VIII. Duration

This Agreement shall be effective for five years upon approval by the Assistant Secretary for Fair Housing and Equal Opportunity of HUD and the National Association of Real Estate Brokers. During the sixty days prior to the expiration of each year, representatives of the National Association of Real Estate Brokers, the State or local human rights enforcement agency, the Community Housing Resources Board, and HUD will meet to evaluate the effectiveness of the Agreement. HUD and the National Association of Real Estate Brokers will determine whether the Agreement or some modification thereof, shall be adopted for the following year. However, where an evaluation of the Agreement at any time during its term reveals that reasonable progress is not being made toward achieving its objectives, the Agreement may be modified upon mutual consent of the parties. Where the parties are unable to agree upon the terms of a modification, any party may terminate the Agreement.

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IX. Adoption and Realtist Signatories

Adopted by the Board of Directors of the _____
_____ at the special meeting held on _____, 19____,
at _____ and certified as a true and correct copy.

For the _____

Chairman of the Board

President

For Member Firms:

Firm Name

Firm Representative

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

X. HUD Signatories

This Agreement has been approved by the Area

Manager by _____,

on _____, 19 ____, at _____:

By the Regional Administrator, by _____:

and by the Assistant Secretary for Fair Housing and Equal

Opportunity, by _____, on _____, 19____,

at _____.