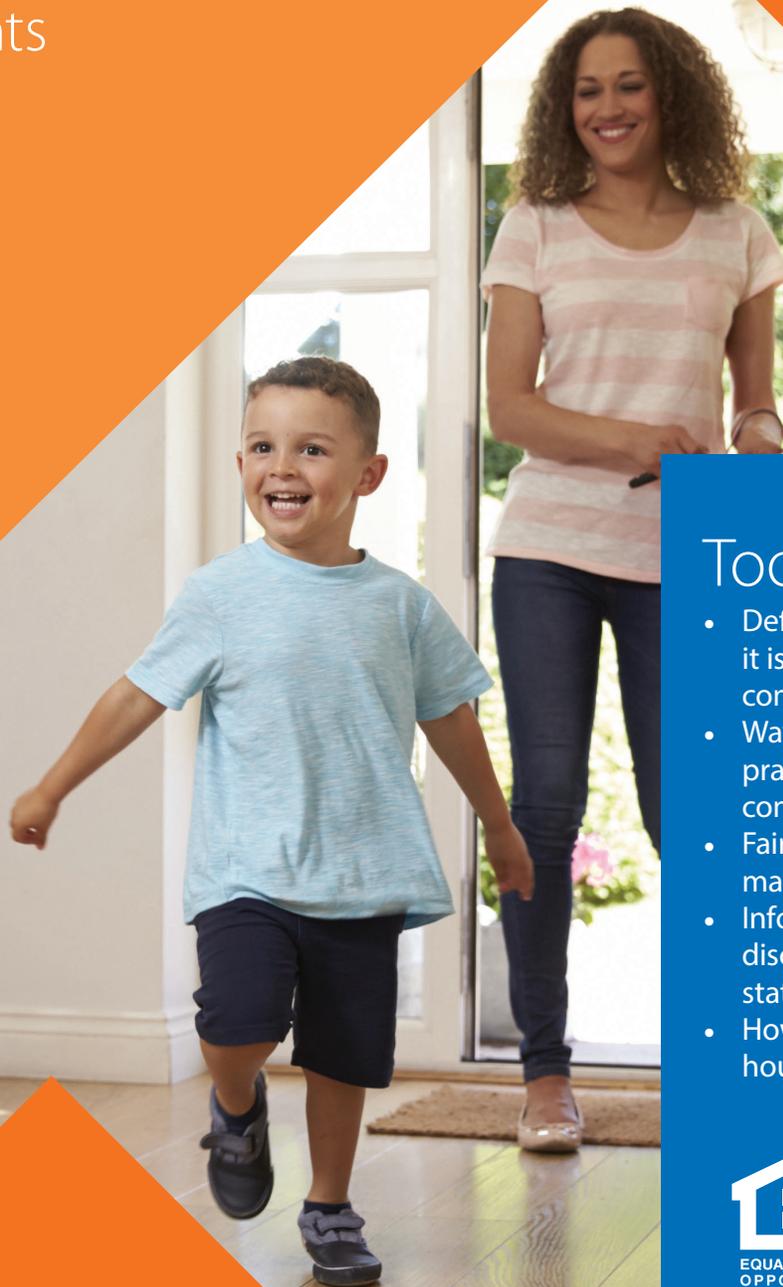




# Fair Housing

Build a better community  
with equal opportunity for  
all residents



## Tool Kit includes:

- Definition of fair housing and why it is important – beyond being in compliance with the law
- Ways to make sure fair housing practices are happening in your community
- Fair housing marketing outreach materials you can use
- Information on filing a housing discrimination complaint with state and federal offices
- How to meet with a certified housing counselor, at no charge



# County Executive Declaration

## L. Brooks Patterson

*Hereby Issues This Special Proclamation Designating*

### The Month of April 2018 as Fair Housing Month in Oakland County, Michigan

*WHEREAS* the month of April 2018 marks the 50th anniversary of the signing of the federal Fair Housing Law under the Civil Rights Act; and

*WHEREAS* this landmark law along with other federal and state legislation broadens access to housing regardless of race, color, sex, national origin, age, marital status, religion, disability or family status; and

*WHEREAS* Fair Housing Month is designed to heighten people's awareness of their rights under the law when pursuing the purchase or rental of housing; and

*WHEREAS* the housing counselors of Oakland County's Community & Home Improvement Division are experts in fair housing laws and are ready to assist any individual or family to ensure their rights in the purchase or rental of housing.

*NOW THEREFORE LET IT BE KNOWN* that I, L. Brooks Patterson, Oakland County Executive, do hereby authorize the issuance of this special proclamation designating April 2018 as Fair Housing Month in Oakland County, Michigan.



A handwritten signature in black ink, reading "L. Brooks Patterson", is written over a horizontal line.

**L. Brooks Patterson**  
Oakland County Executive

# A Message From Oakland County Executive L. Brooks Patterson



## FAIR HOUSING

Build a better community with equal opportunity for all residents

For 50 years, the Fair Housing Act has provided guidance for communities and individuals to ensure access to affordable housing. Oakland County is committed to help local communities embrace the intent of fair housing laws and to ensure that persons are not denied housing opportunity because of their race, ethnic origin, religion, disability or the fact that they are a family with children.

Oakland County continues to increase awareness of the public's rights under fair housing laws. Community and Home Improvement conducts a HUD required county-wide analysis of impediments to fair housing choice every five years and develops strategies or actions to prevent or address identified barriers.

This toolkit is designed to increase community awareness of fair housing laws and what can be done locally to address impediments to local fair housing choices.

# News Release

Contact: Karry Rieth, Manager, Oakland County Community & Home Improvement | (248) 858-5403

## Oakland County Executive L. Brooks Patterson Proclaims April “Fair Housing Month” in Oakland County

**PONTIAC, Mich. – April 5, 2018** – Oakland County Executive L. Brooks Patterson proclaims April as Fair Housing Month in recognition of the 50th anniversary of the signing of the Federal Fair Housing Law under the Civil Rights Act.

“Unlawful discrimination exists today, particularly in the case of families with young children – even with this landmark legislation that was passed half a century ago – so the fight against housing discrimination continues,” Patterson said. “I hope that declaration of April as Oakland County Fair Housing Month increases awareness of fair housing laws and those working to protect individuals in their search for housing of their choice.”

Fair housing laws guarantee all citizens equal opportunity in securing housing of their choice regardless of race, color, sex, national origin, age, marital status, religion, disability or family status. Laws apply to the sale, rental, financing and advertising of housing nationwide.

Karry Rieth, manager of the Oakland County Community & Home Improvement Division, said the 50-year milestone should be celebrated for the impact it has had on communities.

“The Fair Housing Act remains the foundation for the work we are doing to promote fair, inclusive housing, free from discrimination for all Oakland County residents through our housing and community development programs,” Rieth said. “Every year, Oakland County and our participating local communities work to heighten public awareness of their protected rights under fair housing laws.”

The Oakland County Community & Home Improvement Division can assist residents in cases of suspected housing discrimination. Inquiries may be directed to a housing counselor at (248) 858-1891.

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- 1 An Introduction to Oakland County’s Community & Home Improvement Division: Mission Statement and Goals, Fair Housing Description and Oakland County Housing Counseling

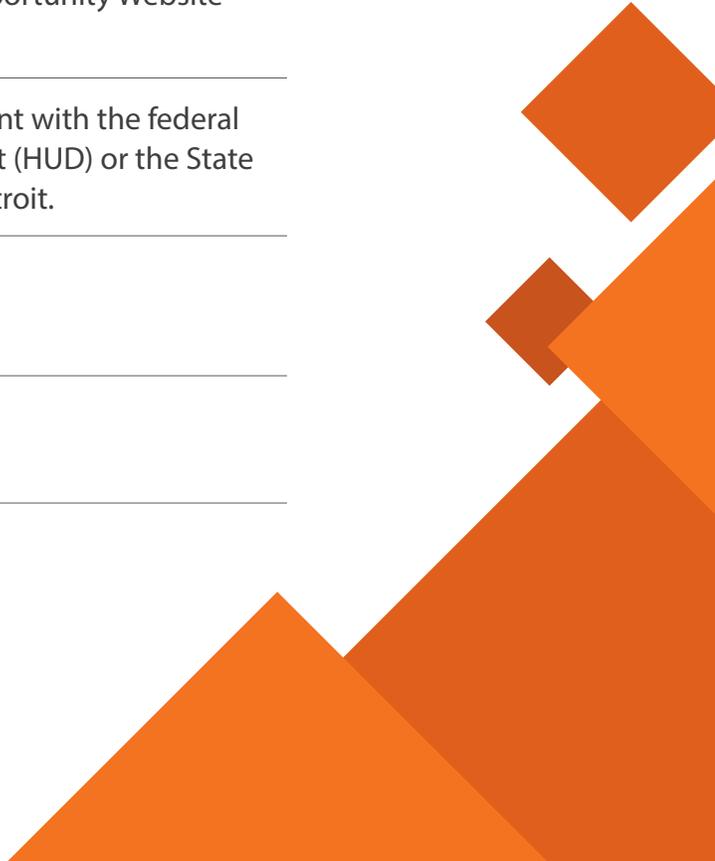
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  - 2 How Communities Can Affirmatively Further Fair Housing (AFFH) in the Oakland County Community Development Block Grant Program (CDBG)

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  - 3 Fair Housing Marketing Outreach Materials, including:
    - Posters
    - Media Outreach
    - Fair Housing Act Logo
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  - 4 How to File a Housing Discrimination Complaint with the federal Housing and Urban Development Department (HUD) or the State of Michigan. Fair Housing Center of Metro Detroit.

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  - 6 Addendum: The Fair Housing Act

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  - 7 Addendum: The Fair Housing Laws
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# 1 Oakland County Community & Home Improvement Mission Statement and Goals

## MISSION

Support strong sustainable and inclusive communities through quality affordable housing, community development, human services and economic opportunities.

### GOAL #1

Strengthen the county's affordable, quality housing market for low-income households by outlining the needs, maintaining and preserving current opportunities and supporting future development.

### GOAL #2

Maintain strong resilient neighborhoods by investing in public facilities and infrastructure improvements to meet the needs of low-income areas and address blight.

### GOAL #3

Enhance human service programs to improve the quality of life and economic opportunities for low-income, special-needs and vulnerable populations.

### GOAL #4

Support programs that reduce housing discrimination, promote diverse inclusive communities and affirmatively further fair housing and opportunity.



## WHAT IS FAIR HOUSING?

**Fair housing is the right to choose housing free from unlawful discrimination.** Fair housing laws protect people from discrimination in housing based on race, color, religion, sex, national origin, familial status, disability, marital status and age. Discrimination is illegal in housing transactions such as rentals, sales, lending and insurance.

**It ensures access for everyone.** Fair housing is the key to all people having the roof they want over their heads. It guarantees that regardless of your age, race, religion, family situation or level of ability, you have the right to choose the housing that's best for your needs—with no outside preferences or stereotypes being imposed.

**It encourages neighborhoods to put out their welcome mat.** Fair housing practices help people understand what it means to be a welcoming and vibrant neighborhood. The ideas, connections and sense of pride that are found in diverse and open neighborhoods make a real difference, especially in the midst of tough economic times.

**It enhances our community's curb appeal.** Equal access to housing goes hand in hand with quality of life. Fair housing plants seeds for economic development, talent retention and more in our community. When people feel welcomed, they make themselves at home, invest their resources back into the community and, in turn, make it an appealing place for diverse and talented people to come.

## WHO IS PROTECTED BY FAIR HOUSING LAWS?

Fair housing laws protect all individuals seeking housing, including renters, homebuyers and persons obtaining a mortgage or homeowners insurance. The federal Fair Housing Act prohibits discrimination in housing for the following protected classes:

- Race
- Color
- Religion
- National origin
- Gender
- Disability
- Familial status\*
- Marital status\*\*
- Age\*\*

Finally, some cities and local governments have enacted fair housing ordinances which further expand upon fair housing protections and may prohibit discrimination in housing because of:

- Source of income
- Sexual orientation
- Gender identity
- Height
- Weight or
- Public assistance recipient status

*\*Presence of children under the age of 18 and pregnancy.*

*\*\*The Michigan Elliott-Larsen Civil Rights Act extends the protections afforded by the Fair Housing Act and further prohibits discrimination in housing for these classes.*

## WHAT HOUSING IS COVERED BY FAIR HOUSING LAWS?

Fair housing laws cover most housing, including apartments, single-family homes, condominiums and manufactured homes. In some circumstances, the laws exempt owner-occupied buildings with no more than two/four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

## WHICH HOUSING PROVIDERS ARE SUBJECT TO FAIR HOUSING LAWS?

- Real estate operators, brokers and agents
- Multiple listing services/real estate related organizations
- Builders, contractors and developers
- Owners of building lots
- Condominium associations
- Homeowners advertising and selling their homes
- Savings & Loans associations, banks, mortgage brokers, other financial institutions and appraisers
- Owners of investment properties
- Rental managers/leasing agents
- Advertising media, advertising agencies and marketing companies
- Insurance companies who sell homeowners or renters insurance

## WHAT IS PROHIBITED?

In the sale and rental of housing, no one may take any of the following actions based on a protected class:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (blockbusting)
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

In mortgage lending, no one may take any of the following actions based on a protected class:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right or
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

## FAIR HOUSING PROTECTIONS FOR PEOPLE WITH DISABILITIES

### If you or someone in your family:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS-related complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability
- Are regarded as having such a disability

### Your housing provider may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing
- Example: A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.

*Example: An apartment complex that offers tenants unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.*

*However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.*

### Requirements for new buildings

In buildings that are ready for first occupancy after March 13, 1991 and have an elevator and four or more units:

- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs

### All units must have:

- An accessible route into and through the unit
- Accessible light switches, electrical outlets, thermostats and other environmental controls
- Reinforced bathroom walls to allow later installation of grab bars
- Kitchens and bathrooms that can be used by people in wheelchairs

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units. These requirements for new buildings do not replace any more stringent standards in state or local law.

## **OAKLAND COUNTY HOUSING COUNSELING**

Oakland County Community & Home Improvement Division  
Housing Counseling Services  
(248) 858-5402

HUD-certified advisors offer FREE housing information, education and referrals in a confidential setting.

You can get help with:

### **THE HOME BUYING PROCESS**

Learn what buying a home involves from what you can afford to how to maintain it.

- Is home ownership right for you
- What to have in place before you sign that purchase agreement
- How to choose a realtor and a lender
- Getting help with down payments
- Guidance on loan applications

### **CREDIT AND BUDGET ISSUES**

Receive advice and coaching on financial matters.

- Creating a personal budget
- Debt reduction and credit ratings
- How to set goals for increasing your savings or retiring debt

### **PREVENTING MORTGAGE OR PROPERTY TAX FORECLOSURE**

Know your options if you're having trouble paying your mortgage or property tax.

- Mortgage review
- How to talk to your lender to reduce your payment
- Help navigating that system
- Funding resources to help keep your mortgage, property taxes and/or association dues current
- Transition planning if you cannot keep your home

### **REVERSE MORTGAGES FOR THOSE AGED 62 OR OLDER**

See if you are a good candidate for a reverse mortgage to use the wealth established in your home without the need to sell.

## **HOME REPAIRS, SUBSIDIZED HOUSING AND RENTAL ASSISTANCE FOR LOW INCOME HOUSEHOLDS**

Determine if you are eligible for programs that can help with needed house repairs, increasing accessibility or making housing more affordable.

## **TENANT RIGHTS AND RESPONSIBILITIES**

Find out about security deposits, leases, maintenance and affordability.

## **HOUSING DISCRIMINATION**

We can assist in filing a complaint if you feel discriminated against when seeking housing financing or looking for a home or rental property.

## **PREVENTING HOMELESSNESS**

Get referrals to agencies for help with rent, utilities and security deposits.

Oakland County Community & Home Improvement Division

250 Elizabeth Lake Road, Suite 1900

Pontiac, MI 48341

Call (248) 858-5402 to meet with a housing counselor



# 2 How Communities Can Affirmatively Further Fair Housing (AFFH) in the Oakland County Community Development Block Grant Program (CDBG)

The U.S. Department of Housing and Urban Development (HUD) has long empowered Community Development Block Grant (CDBG) recipients to affirmatively further fair housing (AFFH rule) under the Fair Housing Act. This act prohibits a broad range of practices that discriminate against individuals based on race, color, religion, sex, national origin, familial status and disability.

CDBG recipients certify to HUD that they will conduct housing and community development programs in a manner to affirmatively further fair housing (AFFH) through fair housing planning, citizen engagement and key deliverables.

AFFH actions undertaken by the Oakland County Community & Home Improvement Division begin with its mission statement and goals, conducting a fair housing planning study or Analysis of Impediments (AI) to Fair Housing Choice within the county's CDBG community, undertaking appropriate actions to overcome the effects of impediments identified through the AI and maintaining records reflecting the analysis and actions taken in this regard.



## **OAKLAND COUNTY'S ANALYSIS OF IMPEDIMENTS (AI) TO FAIR HOUSING CHOICE**

Oakland County's most recent AI reflects an update (June 2017) to the regional AI or Fair Housing and Equity Assessment (FHEA) for Southeast Michigan released in 2012. This AI is specific to Oakland County and is available for review on the Oakland County website at [AdvantageOakland.com](http://AdvantageOakland.com).

The Oakland County update provides a foundation for fair housing actions and priorities that will be undertaken by Oakland County and its participating jurisdictions over the next several years to overcome the effects of any impediments identified through the analysis. The fair housing priorities are inspired through data analysis, citizen engagement, local housing needs assessments, the county's independent analysis of characteristics specific to Oakland County and reassessing data generated through the regional FHEA.

Since any strategy or plan is only as good as the policies and actions it inspires, this AI focuses on policy and local action recommendations that respond to potential systemic housing issues, as well as challenges to neighborhood stability, condition of housing stock and fair housing opportunities and availability of affordable housing that provides access to jobs and services.

As such, this strategy identifies 32 recommendations that address the county's housing needs and promote resilient neighborhoods within our communities. These recommendations include policy recommendations to be advocated by Oakland County and/or housing stakeholders and action recommendations that can be customized by CDBG jurisdictions for neighborhood level solutions to improve desirability, stability and resiliency of local housing markets.

This strategy is a living document, meaning that its policy and local action recommendations will evolve over time to be integrated into local planning efforts.

## RECOMMENDATIONS: FAIR HOUSING ACTIONS TO OVERCOME IMPEDIMENTS TO FAIR HOUSING

The following policies and local actions are recommended to overcome impediments to fair housing choice:

1. Support federal fair housing policy that encourages equal access to housing opportunities for all persons
2. Prioritize funding for housing counseling services and promote state and federal housing counseling programs and policies
3. Proactively promote foreclosure information and housing counseling opportunities to homeowners and renters
4. Support continued state and federal initiatives for foreclosure prevention
5. Promote dependable and consistent state and federal support and funding that addresses the core housing challenges of the county – rehabilitation of substandard housing, demolition and new affordable housing construction
6. Prioritize resources for housing rehabilitation, energy efficiency and weatherization
7. Support housing development in mature areas – especially infill development near or along transit corridors and locations near employment centers and services
8. Support public transit and/or alternatives to link housing to jobs and services
9. Support essential programs that address the county’s senior and/or disabled persons housing needs
10. Support programs that combat and prevent homelessness in the county
11. Expand financing tools and market incentives in neighborhoods destabilized by high numbers of foreclosures, vacancies and diminished private market investment
12. Promote policies that enable public housing authorities (including subsidized and low-income rental housing) to appropriately invest in the upkeep and maintenance of their properties
13. Support Low-Income Housing Tax Credit (LIHTC) projects to develop affordable housing in Oakland County
14. Advocate for adequate funding for administrative costs of the Section 8 Housing Choice Voucher Program and renewal of all authorized vouchers
15. Fund strategic and targeted demolition, residential rehabilitation, infrastructure, infill development and public service strategies to stabilize neighborhoods
16. Encourage local policies which provide housing choices that enable people to remain in the community as they age
17. Support property improvement initiatives identified through local code enforcement and property maintenance policies
18. Advocate local vacant property registration ordinances that allow communities to inspect, monitor and require owners to register vacant properties as soon as they become vacant

19. Advocate local rental housing policy (includes rental registration, inspection and certification ordinance/regulation) to ensure a minimum standard of housing quality
20. Build partnerships with local communities and stakeholders to preserve clean, safe and healthy neighborhoods
21. Expand and enhance landlord fair housing education programs and outreach
22. Encourage needed housing types through local land use, building and zoning regulations
23. Encourage public/private partnerships in redevelopment of local housing markets
24. Encourage local communities to provide citizens, homeowners, landlords and others with information on housing choices, housing values, housing costs – including housing, transportation and energy costs.
25. Provide local communities with information to improve and make more uniform fair housing information on community web sites
26. Improve and expand fair housing information on Oakland County web site
27. Educate and inform local officials, the public and landlords of fair housing laws and best practices
28. Expand fair housing outreach and education to persons with limited English proficiency
29. Increase local education campaigns on the community benefits of providing affordable and inclusive housing options
30. Expand marketing of equal opportunity access to programs and services
31. Promote rental preservation and affordable housing in areas that are transit accessible, and near employment opportunities and services
32. Expand and enhance residential energy efficiency education and access to incentives



## **FAIR HOUSING PROGRAM ACTIONS AND ACTIVITIES: OVERCOMING THE EFFECTS OF IDENTIFIED IMPEDIMENTS TO FAIR HOUSING CHOICE**

All households should have the opportunity to make personal housing choices that are within their economic means while best meeting their needs and preferences. Oakland County will continue to identify impediments to fair housing choice, develop strategies to affirmatively further fair housing and engage local communities to implement fair housing activities in the future.

Oakland County Community & Home Improvement initiated the following activities and investments to affirmatively further fair housing over the past three years to overcome the effects of fair housing impediments:

- 1. Housing Counseling Services:** Invest over \$300,000 in Community Development Block Grant, federal Housing Counseling Grant and Michigan State Housing Development Authority housing education funds annually to provide comprehensive housing counseling services for Oakland County residents. Sustain a HUD certified local housing counseling agency with three professional counselors providing one-on-one counseling to over 450 clients and telephone counseling to over 1,200 housing consumers each year. Counselors vigorously promote fair housing to address and prevent housing discrimination under state and federal fair housing laws. Services address mortgage and property tax foreclosure, predatory lending, housing discrimination, home buying, affordable housing mortgages, reverse mortgages, tenant rights/responsibilities, preventing homelessness, home repairs, subsidized housing, rental assistance for low income households and credit/budget issues. Housing counselors receive ongoing fair housing training each year.

Oakland County Housing Counseling is in a barrier-free facility and offers interpreter services to clients with language barriers or are hearing-impaired and works to accommodate other special needs.

- 2. Fair Housing Law Workshops:** Contract annually with the Fair Housing Center of Metropolitan Detroit to educate county staff, community officials, landlords, housing providers and the public on fair housing laws and protection from discrimination.
- 3. Housing Counseling and Help With Housing Discrimination Public Awareness:** Oakland County developed housing counseling brochures, palm cards and posters in English and Spanish promoting help with housing discrimination for ongoing distribution countywide and specifically within communities having substantial minority and lower income population concentrations.

CHI strengthened ongoing housing counseling partnerships with the Oakland County Treasurer to resolve property tax delinquency and foreclosure. The Treasurer's Office promotes CHI housing counseling services including fair housing in all past due property tax notices to residents for resource and referral.

- 4. Enhance Fair Housing Information on Website:** Strengthen fair housing information on the county website to link users to fair housing resources outside of CHI.

5. **CDBG Improves Access to Public Facilities and Services:** Many CDBG sub-recipients prioritize the use of CDBG funds to improve barrier free access to public facilities. Projects improve access to street crossings, sidewalks, parking, public buildings, parks, community centers, bathrooms, meeting spaces, private single-family owner-occupied homes, mobile (manufactured) homes, etc. Communities also prioritize equal opportunity public services to address the special needs of low income, disabled and senior residents including home chore, yard services transportation, emergency food/clothing.
6. **Equal Opportunity to Improve Homes:** Administer a full service county-wide, equal opportunity Home Improvement Program for low income residents to upgrade their home and neighborhood. Program promotion includes direct mailings to households with lower housing values countywide to help sustain neighborhoods. These mailings also include housing counseling information.
7. **Fair Housing Month Celebration:** Oakland County celebrates “April is Fair Housing Month” to maximize public education on fair housing laws and promote a renewed community commitment to fair housing. Items include county executive proclamation and news releases; tabletop displays at events and conference center for viewing by thousands of residents; distribution of fair housing posters and information packets to communities with recommended initiatives to affirmatively further fair housing locally; county website and social media announcements; and distribution of fair housing posters and information to human service agencies, libraries, homeless assistance providers and senior centers.
8. **Annual Report Promotes Housing Counseling and Fair Housing Services:** Oakland County Community & Home Improvement publishes a report on services and programs annually showcasing fair housing and housing counseling services. The report is distributed as an insert to newspapers, through direct mailings and distribution to over 45,000 residents, communities and agencies. The report is also posted through the county’s website at [AdvantageOakland.com](http://AdvantageOakland.com) and county department public information displays.
9. **Equal Opportunity and Access:** Oakland County ensures equal opportunity and access to all federally funded programs and activities.
10. **Community and Agency Fair Housing Outreach:** Sub-recipient communities, housing development agencies and public service agencies funded by federal U.S. Department of Housing & Urban Development programs prominently place fair housing posters and information for the public to view and are required to affirmatively further fair housing in providing services.
11. **Oakland County Supports Equal Opportunity Affordable Housing Development Countywide:** CHI funds Community Housing Development Organizations (CHDOs) to develop and expand affordable homeownership for low income homebuyers. CHI provides Certificates of Consistency and advocacy for affordable housing developers and non-profit agencies to obtain low income tax credits and/or other state and federal housing assistance in developing multifamily rental housing. CHI provides equal opportunity and access to rental housing through Emergency Solutions Grant Homeless Prevention and Rapid Re-Housing assistance.

# 3 Fair Housing Marketing Outreach Materials

## POSTERS

hud.gov/program\_offices/fair\_housing\_equal\_opp/marketing

- a. A Year to Remember poster
- b. April Is Fair Housing Month poster

## LOGOS

- c. Fair Housing Act logo
- d. 50th anniversary logo

## WEBSITE GRAPHIC

- e. April is Fair Housing Month website graphic

## COMMUNITY NEWSLETTERS/CABLE BILLBOARDS

### Headlines:

- April is Fair Housing Month
- Fair Housing – Equal Opportunity for All

**Copy:** If you believe you are a victim of housing discrimination because of race, color, national origin, religion, sex, disability or familial status, contact OAKLAND COUNTY'S HOUSING COUNSELORS at (248) 858-5402.

## SOCIAL MEDIA

FAIR HOUSING MEANS.....  
Equal Housing Opportunities for All!  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Fair Housing Opportunities for All!  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Fair Housing Is Not an Option  
It Is the Law  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Equal Housing Options and Treatment "For All"  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Non Discriminatory Treatment  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Safer Neighborhoods!  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
#OaklandCountyFairHousing

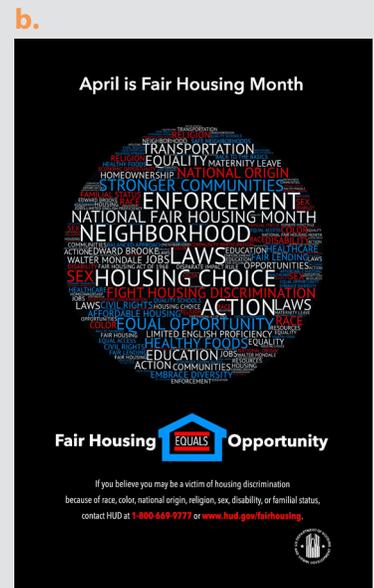
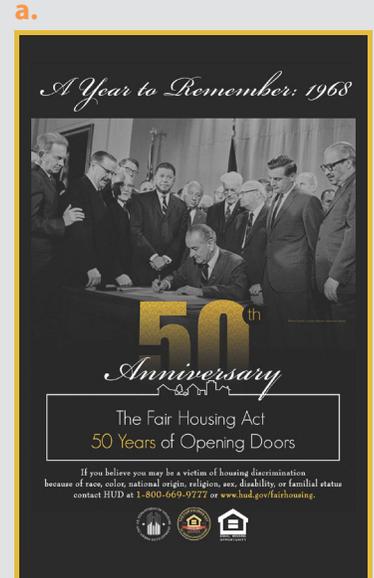
FAIR HOUSING MEANS.....  
Access  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Greater Housing Opportunities  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
I Control My Housing Options  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
No Unfair Denial  
#OaklandCountyFairHousing

FAIR HOUSING MEANS.....  
Equality  
#OaklandCountyFairHousing



## **PUBLIC SERVICE ANNOUNCEMENTS**

(30 Seconds) APRIL IS "OAKLAND COUNTY FAIR HOUSING MONTH." NATIONAL FAIR HOUSING LAWS GUARANTEE ALL CITIZENS EQUAL OPPORTUNITY IN SECURING HOUSING OF THEIR CHOICE REGARDLESS OF AGE, DISABILITY, MARITAL STATUS, FAMILY STATUS, SEX, RACE, NATIONAL ORIGIN OR RELIGION. THE LAW APPLIES TO THE SALE, RENTAL, FINANCING AND ADVERTISING OF ALMOST ALL FORMS OF HOUSING IN THE NATION.

IF YOU OR SOMEONE YOU KNOW FEEL YOU HAVE BEEN DISCRIMINATED AGAINST WHILE LOOKING FOR A HOME OR RENTAL, THERE IS SOMEONE TO HELP YOU. CALL OAKLAND COUNTY'S HOUSING COUNSELORS AT (248) 858-5402.

(20 Seconds) IT IS ILLEGAL TO DISCRIMINATE AGAINST A HOUSING RENTAL OR PURCHASE APPLICANT ON THE BASIS OF AGE, RACE, ETHNIC BACKGROUND, DISABILITY, MARITAL STATUS OR FAMILY STATUS. FAMILIES WITH CHILDREN MAY BE ESPECIALLY AFFECTED. IF YOU FEEL YOU HAVE BEEN REFUSED AN APARTMENT OR A HOME FOR ANY OF THESE REASONS, CALL OAKLAND COUNTY'S HOUSING COUNSELOR AT (248) 858-5402.

(15 Seconds) OAKLAND COUNTY'S COMMUNITY & HOME IMPROVEMENT DIVISION REMINDS YOU THAT APRIL IS FAIR HOUSING MONTH. IF YOU HAVE BEEN DISCRIMINATED AGAINST IN TRYING TO PURCHASE OR RENT A HOME, PLEASE CALL OAKLAND COUNTY'S HOUSING COUNSELOR AT (248) 858-5402.

(10 Seconds) IF YOU FEEL YOU'VE BEEN THE VICTIM OF DISCRIMINATION WHILE TRYING TO FIND A HOME, CALL OAKLAND COUNTY'S HOUSING COUNSELOR AT (248) 858-5402.

## **OAKLAND COUNTY FAIR HOUSING AND EQUAL OPPORTUNITY WEBSITE**

Oakland County Fair Housing and Equal Opportunity Website [oakgov.com/advantageoakland/communities/Pages/Housing-Counseling-and-Homeless-Services.aspx](http://oakgov.com/advantageoakland/communities/Pages/Housing-Counseling-and-Homeless-Services.aspx)  
Oakland County Housing Counseling & Homeless Services website:  
[oakgov.com/advantageoakland/communities/Pages/Housing-Counseling-and-Homeless-Services.aspx](http://oakgov.com/advantageoakland/communities/Pages/Housing-Counseling-and-Homeless-Services.aspx)

## **ADDITIONAL RESOURCES**

U.S. Department of Housing and Urban  
Development – Outreach Tools  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/marketing](http://hud.gov/program_offices/fair_housing_equal_opp/marketing)

National Fair Housing Alliance - Print PSAs, Brochures, Radio PSAs and TV PSAs  
[fairhousingresourcecenter.wordpress.com](http://fairhousingresourcecenter.wordpress.com)

# 4

## How to File a Housing Discrimination Complaint

### TO FILE A FAIR HOUSING COMPLAINT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The Housing Discrimination Complaint Form is available for you to download: [hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](http://hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

If you think your rights have been violated, HUD is ready to help with any problem of housing discrimination. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

#### Step 1: What to Tell HUD

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification to the housing involved
- A short description to the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

#### Step 2: Where to Write or Call

Send the Housing Discrimination Complaint Form or a letter to the HUD Office nearest you or you may call that office directly.

#### If You are Disabled:

HUD also provides:

- A toll-free TTY phone for the hearing impaired: 1-800-927-9275.
- Interpreters
- Tapes and Braille materials
- Assistance in reading and completing forms

#### What Happens when You File a Complaint?

HUD will notify you when it receives your complaint. Normally, HUD also will:

- Notify the alleged violator of your complaint and permit that person to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint

**Conciliation:** HUD will try to reach an agreement with the person your complaint is against (the respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed, HUD will take no further action on your complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the attorney general file suit.

**Complaint Referrals:** If HUD has determined that your state or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. That agency must begin work on your complaint within 30 days or HUD may take it back.

### **What if You Need Help Quickly?**

If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the attorney general to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention
- There is substantial evidence that a violation of the Fair Housing Act occurred

**Example:** *A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the attorney general to go to court to prevent a sale to any other buyer until HUD investigates the complaint.*

**What Happens after a Complaint Investigation?** If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent wants the case to be heard in federal district court. Either way, there is no cost to you.

**The Administrative Hearing:** If your case goes to an administrative hearing HUD attorneys will litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An administrative law judge (ALJ) will consider evidence from you and the respondent. If the ALJ decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering
- To provide injunctive or other equitable relief, for example, to make the housing available to you
- To pay the federal government a civil penalty to vindicate the public interest. The maximum penalties are \$16,000 for a first violation and \$70,000 for a third violation within seven years
- To pay reasonable attorney's fees and costs

**Federal District Court:** If you or the respondent chooses to have your case decided in federal district court, the attorney general will file a suit and litigate it on your behalf. Like the ALJ, the district court can order relief and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

**You May File Suit:** You may file suit, at your expense, in federal district court or state court within two years of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an administrative law judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

**Other Tools to Combat Housing Discrimination:** If there is noncompliance with the order of an administrative law judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals. The attorney general may file a suit in a federal district court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

### **For Further Information:**

The Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD office nearest you. For Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin:

**Chicago Regional Office of FHEO**  
U.S. Department of Housing and  
Urban Development  
Ralph H. Metcalfe Federal Building  
77 West Jackson Blvd, Rm 2101  
Chicago, Illinois 60604-3507

(312) 353-7776 ext. 2453  
(800) 765-9372  
TTY (312) 353-7143

## FILING A FAIR HOUSING COMPLAINT WITH THE STATE OF MICHIGAN

If you believe you have been the victim of unlawful discrimination within the past 180 days, you can file a complaint with the Michigan Department of Civil Rights (MDCR) at (800) 482-3604.

### Step 1: Contact MDCR

If you have questions about civil rights or believe you have been discriminated against, contact MDCR by phone, in writing, online or in person. If you contact us by US mail or email, please include your name, address and a telephone number where you can be reached during the day.

### Step 2: File a Formal Complaint

If the incident falls under the laws we enforce and occurred within 180 days, MDCR will prepare a formal complaint for you to sign before a notary public and return to MDCR. Once MDCR receives your notarized complaint, it is placed on the docket and a copy is sent to you (the claimant) and the person or organization you filed the complaint against (the respondent.) MDCR will then conduct an impartial investigation of all available evidence.

### The Investigation

During an investigation, the claimant and respondent both have the opportunity to present evidence. The investigation may also include a site visit, interviews with witnesses and analysis of documents. MDCR may schedule a conference with both parties to explore possible resolutions, clarify issues and provide a forum for presenting additional evidence.

MDCR attempts to resolve complaints at all stages of the investigation. If both parties agree to a settlement, MDCR will close the investigation. If no settlement is reached, MDCR will complete the investigation and report on its findings.

Michigan law prohibits discrimination in:

- Employment
- Education
- Housing
- Public Accommodation
- Public Service
- Law Enforcement

based on race, religion, color, national origin, age, sex, disability, genetic information, marital status, familial status, height, weight and arrest record.

### A Complaint is Not a Lawsuit

MDCR is an administrative agency representing the interests of the state. While a complaint is being investigated, the department represents neither the claimant nor the responding party.

Phone: (313) 456-3700

Fax: (313) 456-3701

Toll-Free: (800) 482-3604

TTY: (877) 878-8464

Email: [MDCRServiceCenter@michigan.gov](mailto:MDCRServiceCenter@michigan.gov)

**Fair Housing is your right.**  
**Learn about the Fair Housing Act**  
The Fair Housing Act protects people from discrimination when they are renting, buying or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability and the presence of children.

## FAIR HOUSING CENTER OF METRO DETROIT

The Fair Housing Center of Metropolitan Detroit (FHC), a non-profit, tax-exempt, citizen based organization, was established in 1977 for the purpose of addressing fair housing issues in the Detroit area. FHC seeks to assure equal access to housing without discrimination based on race, sex, age, color, religion, national origin, familial, marital, sexual orientation or disability status.

Consistent with the level of resources available, FHC:

- Assists in the investigation of complaints of unlawful housing discrimination
- Refers some housing discrimination complainants to other agencies or legal resources
- Initiates negotiations, conciliations and litigations to help resolve equal housing disputes
- Provides homeseekers with information about the sales and rental market and assists homeseekers who are considering non-traditional housing choices
- Conducts research projects and housing surveys to evaluate fair housing practices or assist in industry self-testing programs in the sales, rental or mortgage lending markets
- Provides consulting and program implementation services to employers, businesses, units of government and housing providers that are seeking to develop or implement fair housing programs
- Conducts training and public information programs on fair housing issues
- Works with neighborhood groups, community organizations and other service providers to help promote and achieve more racially and ethnically diverse neighborhoods

FHC has a record of performance that establishes the organization as a professionally competent, effective and reliable fair housing service. Working cooperatively with local, state and federal units of government, FHC has, since it was organized in 1977:

- Investigated over 6,000 complaints of unlawful housing discrimination
- Assisted over 400 complainants resolve allegations of unlawful housing discrimination in 325 successfully concluded lawsuits filed in state and federal courts. Total financial recovery for plaintiffs, through settlements or awards, exceeds \$11 million — averaging over \$33,000 per concluded litigation
- Conducted over 35 major fair housing testing surveys under contracts with various agencies, including the U.S. Department of Housing and Urban Development (HUD), The Urban Institute, the ARCUS Foundation, the U.S. Department of Justice, the Michigan Department of Civil Rights (MDCR), the Michigan State Housing Development Authority and the Michigan Association of Realtors
- Developed and conducted fair housing training and information programs reaching over 10,000 participants in over 150 units of government, financial institutions, apartment rental and real estate sales firms in the metropolitan area
- Wrote HUD required “Analysis of Impediments to Fair Housing Choice” for 10 units of government, including the state of Michigan
- With its own resources and through grants and contracts with HUD, MDCR and The Joyce Foundation, assisted in the establishment and development of fair housing groups/ programs in over 20 metropolitan areas in the United States
- Through its newsletter, Fair Housing News and the publication of a national housing discrimination case litigation log, the FHC has become a major source for fair housing information in the Detroit area and throughout the United States
- Since they were started in 1998, the Center’s Annual Fair Housing Leadership Awards Receptions have honored 43 housing industry representatives who have taken specific and courageous steps to follow and support fair housing laws

*The center receives funding through membership donations, individual and corporate gifts, grants, bequests and contracts for services with government agencies and private housing providers. Requests for information or services are welcome. FHC has IRS 501(c)(3) tax status. Contributions are tax-deductible to the extent allowed by federal law. Copyright © 2018 Fair Housing Center of Metropolitan Detroit - 220 Bagley, Suite 1020, Detroit, MI 48226 - Office number: 313-963-1274*

# 5 Resources & References

Detroit Office of Fair Housing and Equal Opportunity (FHEO)  
[hud.gov/states/michigan/working/localpo/fheo](http://hud.gov/states/michigan/working/localpo/fheo)

Fair Housing and Equal Opportunity (FHEO)  
Serving Michigan

## **ABOUT THE LOCAL PROGRAM OFFICE**

The Detroit Office of Fair Housing and Equal Opportunity (FHEO) is responsible for the investigation of housing discrimination complaints under the federal Fair Housing Act, as assigned, as well as other civil rights complaints related to HUD funded programs in Michigan. Such other complaints may include Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act and the Age Discrimination Act of 1975, among others.

In addition to helping people who feel they may have been illegally discriminated against, the FHEO staff monitors and provides technical assistance to operators of HUD funded programs to ensure that the various equal opportunity requirements are met. Staff members also work to educate the public and various housing and community development groups on the provisions of fair housing laws, civil rights program requirements and related HUD regulations.

### **Local Office Contacts**

David C. Long, *Acting Field Office Director*  
(313) 234-7352, for the hearing impaired: (313) 226-7900 ext. 6899

### **Service Areas**

The Detroit Office of Fair Housing and Equal Opportunity (FHEO) is responsible for the administration of all FHEO programs in Michigan.

### **HUD Office of Fair Housing**

[hud.gov/fairhousing](http://hud.gov/fairhousing)

### **National Fair Housing Advocate Online**

[Fairhousing.com](http://Fairhousing.com)

## TECHNICAL ASSISTANCE

International Code Council  
[iccsafe.org](http://iccsafe.org)

HUD Field Offices  
[hud.gov/program\\_offices/field\\_policy\\_mgt/localoffices](http://hud.gov/program_offices/field_policy_mgt/localoffices)

ADA Centers  
[hud.gov/program\\_offices/field\\_policy\\_mgt/localoffices](http://hud.gov/program_offices/field_policy_mgt/localoffices)  
800-949-4232

## ENFORCEMENT/FAIR HOUSING COMPLAINTS

Not federally funded: FHAP  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHAP/agencies](http://hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies)

HUD funded or no state FHAP: HUD Regional  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/aboutfheo/fhhubs](http://hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/fhhubs)

USDA funded: USDA Office of Civil Rights  
[rd.usda.gov/contact-us/national-office/civil-rights](http://rd.usda.gov/contact-us/national-office/civil-rights)  
800-787-8821

## ACCOMMODATIONS/MODIFICATIONS

HUD-DOJ Reasonable Accommodation joint statement  
[hud.gov/sites/documents/huddojstatement.pdf](http://hud.gov/sites/documents/huddojstatement.pdf)

HUD-DOJ Reasonable Modification joint statement  
[hud.gov/sites/documents/reasonable\\_modifications\\_mar08.pdf](http://hud.gov/sites/documents/reasonable_modifications_mar08.pdf)

HUD Notice on Assistance Animals in Housing  
[hud.gov/sites/documents/SERVANIMALS\\_NTCFHEO2013-01.PDF](http://hud.gov/sites/documents/SERVANIMALS_NTCFHEO2013-01.PDF)

National Resource Center on Supportive Housing and Home Modification directory  
[homemods.org/national-directory/](http://homemods.org/national-directory/)

## DISABILITY ADVOCACY

American Association of People with Disabilities  
[aapd.com](http://aapd.com)

American Disabled for Attendant Programs Today  
[adapt.org](http://adapt.org)

American Seniors Housing Association  
[seniorshousing.org](http://seniorshousing.org)

Concrete Change  
[visitability.org/about-concrete-change](http://visitability.org/about-concrete-change)

Consortium for Citizens with Disabilities  
[c-c-d.org](http://c-c-d.org)

Disability Rights Action Coalition for Housing  
[libertyresources.org](http://libertyresources.org)

National Fair Housing Alliance  
[nationalfairhousing.org](http://nationalfairhousing.org)

National Housing Law Project  
[nhlp.org](http://nhlp.org)

## GOVERNMENT

Access Board  
[access-board.gov](http://access-board.gov)

Department of Justice  
[justice.gov](http://justice.gov)

National Council on Disability  
[ncd.gov](http://ncd.gov)

U.S. Department of Housing and Urban Development  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](http://hud.gov/program_offices/fair_housing_equal_opp)

## LINKS HUD PROGRAM PAGES

National FHEO main page  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](http://hud.gov/program_offices/fair_housing_equal_opp)

Fair Housing Act  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_and\\_related\\_law](http://hud.gov/program_offices/fair_housing_equal_opp/fair_housing_and_related_law)

Filing a housing discrimination complaint  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](http://hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

Fair housing assistance and fair housing initiatives programs  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners](http://hud.gov/program_offices/fair_housing_equal_opp/partners)

Fair housing and equal opportunity library  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/library](http://hud.gov/program_offices/fair_housing_equal_opp/library)

For people with disabilities  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_main](http://hud.gov/program_offices/fair_housing_equal_opp/disability_main)

Job training, employment and contracting opportunities  
[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/section3/section3](http://hud.gov/program_offices/fair_housing_equal_opp/section3/section3)

## LINKS TO OTHER SOURCES

Fair Housing Center of West Michigan  
[fhcwm.org](http://fhcwm.org)

Fair Housing Center of Southeast and Mid-Michigan  
[fhcmichigan.org](http://fhcmichigan.org)

National Community Reinvestment Coalition  
[ncrc.org](http://ncrc.org)

National Fair Housing Advocate Online  
[fairhousing.com](http://fairhousing.com)

Housing counseling agencies  
[hud.gov/states/michigan/homeownership/hsgcounseling](http://hud.gov/states/michigan/homeownership/hsgcounseling)

U.S. Department of Justice - housing and civil enforcement section  
[justice.gov/crt/housing-and-civil-enforcement-section](http://justice.gov/crt/housing-and-civil-enforcement-section)

Web addresses are subject to change. Please consult the Housing Counseling & Homeless Services page at AdvantageOakland.com for the latest links.

# 6 Addendum Fair Housing Act

## THE FAIR HOUSING ACT

[justice.gov/crt/fair-housing-act-2](https://justice.gov/crt/fair-housing-act-2)

### Sec. 800. [42 U.S.C. 3601 note] Short Title

This title may be cited as the “Fair Housing Act.”

### Sec. 801. [42 U.S.C. 3601] Declaration of Policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

### Sec. 802. [42 U.S.C. 3602] Definitions As used in this subchapter —

(a) “Secretary” means the Secretary of Housing and Urban Development.

(b) “Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) “Family” includes a single individual.

(d) “Person” includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 [of the United States Code], receivers, and fiduciaries.

(e) “To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) “Discriminatory housing practice” means an act that is unlawful under section 804, 805, 806, or 818 of this title.

(g) “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) “Handicap” means, with respect to a person —

(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(i) “Aggrieved person” includes any person who —

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) “Complainant” means the person (including the Secretary) who files a complaint under section 810.

(k) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with —

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) “Conciliation” means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) “Conciliation agreement” means a written agreement setting forth the resolution of the issues in conciliation.

(n) “Respondent” means —

(1) *the person or other entity accused in a complaint of an unfair housing practice; and*

(2) *any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).*

(o) “Prevailing party” has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

*[42 U.S.C. 3602 note] Neither the term “individual with handicaps” nor the term “handicap” shall apply to an individual solely because that individual is a transvestite.*

### **Sec. 803. [42 U.S.C. 3603] Effective dates of certain prohibitions**

(a) Subject to the provisions of subsection (b) of this section and section 807 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 of this title shall apply:

(1) *Upon enactment of this subchapter, to —*

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: Provided, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) *After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.*

(b) Nothing in section 804 of this title (other than subsection (c)) shall apply to —

(1) *any single-family house sold or rented by an owner: Provided, That such private individual owner does not own more than three such single-family houses at any one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or*

(2) *rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.*

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if —

- (1) *he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or*
- (2) *he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or*
- (3) *he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.*

**Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices** As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful —

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)

(1) *To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of —*

(A) that buyer or renter,

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) *To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of —*

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

(3) *For purposes of this subsection, discrimination includes —*

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwelling in such a manner that —

(i) *the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;*

(ii) *all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and*

(iii) *all premises within such dwellings contain the following features of adaptive design:*

(I) *an accessible route into and through the dwelling;*

(II) *light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;*

(III) *reinforcements in bathroom walls to allow later installation of grab bars; and*

(IV) *usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.*

(4) *Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph (3)(C)(iii).*

(5)

(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this title shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)

(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 810(f)(3) of this Act to receive and process complaints or otherwise engage in enforcement activities under this title.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this title.

(7) *As used in this subsection, the term “covered multifamily dwellings” means —*

(A) *buildings consisting of 4 or more units if such buildings have one or more elevators; and*

(B) *ground floor units in other buildings consisting of 4 or more units.*

(8) *Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.*

(9) *Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.*

## **Sec. 805. [42 U.S.C. 3605] Discrimination in Residential Real Estate-Related Transactions**

(a) In General. — It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) Definition.— As used in this section, the term “residential real estate-related transaction” means any of the following:

- (1) *The making or purchasing of loans or providing other financial assistance —*
  - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
  - (B) secured by residential real estate.
- (2) *The selling, brokering, or appraising of residential real property.*

(c) Appraisal Exemption. — Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

**Sec. 806. [42 U.S.C. 3606] Discrimination in provision of brokerage services** after December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

## **Sec. 807. [42 U.S.C. 3607] Religious organization or private club exemption**

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)

(1) *Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing for older persons.*

(2) *As used in this section “housing for older persons” means housing —*

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and —

(i) *at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;*

(ii) *the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and*

(iii) *the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall —*

(I) provide for verification by reliable surveys and affidavits; and

(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) *Housing shall not fail to meet the requirements for housing for older persons by reason of:*

(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C): Provided, That new occupants of such housing meet the age requirements of sections (2)(B) or (C); or

(B) unoccupied units: Provided, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).

(4) *Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).*

(5)

(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that —

(i) *such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and*

(ii) *the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption*

## **Sec. 808. [42 U.S.C. 3608] Administration**

### **(a) Authority and responsibility**

The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

### **(b) Assistant Secretary**

The Department of Housing and Urban Development shall be provided an additional Assistant Secretary.

### **(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review**

The Secretary may delegate any of his functions, duties and power to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this subchapter. The person to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5372, and 7521 of title 5 [of the United States Code]. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his administrative law judges to other administrative law judges or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

### **(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes**

All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

### **(e) Functions of Secretary**

The Secretary of Housing and Urban Development shall —

*(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;*

*(2) publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to the Congress —*

*(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and*

*(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which —*

*(i) investigations are not completed as required by section 810(a)(1)(B);*

*(ii) determinations are not made within the time specified in section 810(g); and*

*(iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g);*

*(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;*

*(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices;*

*(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and*

*(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).*

*(f) The provisions of law and Executive orders to which subsection (e)(6) applies are —*

*(1) title VI of the Civil Rights Act of 1964;*

*(2) title VIII of the Civil Rights Act of 1968;*

*(3) section 504 of the Rehabilitation Act of 1973;*

*(4) the Age Discrimination Act of 1975;*

*(5) the Equal Credit Opportunity Act;*

*(6) section 1978 of the Revised Statutes (42 U.S.C. 1982);*

*(7) section 8(a) of the Small Business Act;*

*(8) section 527 of the National Housing Act;*

*(9) section 109 of the Housing and Community Development Act of 1974;*

*(10) section 3 of the Housing and Urban Development Act of 1968;*

*(11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and*

*(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.*

## **Sec. 808a. [42 U.S.C. 3608a] Collection of certain data**

### **(a) In general**

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 [42 U.S.C.A. {2000d et seq.}] and title VIII of Public Law 90-284 [42 U.S.C.A. {3601 et seq.}], the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

### **(b) Reports to Congress**

The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) of this section during the preceding year.

## **Sec. 809. [42 U.S.C. 3609] Education and conciliation; conferences and consultations; reports**

Immediately after April 11, 1968, the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of Title 5. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

## **Sec. 810. [42 U.S.C. 3610] Administrative Enforcement; Preliminary Matters**

### **(a) Complaints and Answers. —**

#### **(1)**

##### **(A)**

*(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.*

*(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.*

*(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.*

##### **(B) Upon the filing of such a complaint —**

*(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;*

*(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;*

*(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and*

*(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.*

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)

(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative Report and Conciliation. —

(1) *During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.*

(2) *A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.*

(3) *A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.*

(4) *Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.*

(5)

(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing —

(i) *the names and dates of contacts with witnesses;*

(ii) *a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;*

(iii) *a summary description of other pertinent records;*

(iv) *a summary of witness statements; and*

(v) *answers to interrogatories.*

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to Comply With Conciliation Agreement. — Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

(d) Prohibitions and Requirements With Respect to Disclosure of Information. —

(1) *Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.*

(2) *Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.*

(e) Prompt Judicial Action. —

(1) *If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.*

*(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under section 814(a) and 814(c) or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.*

**(f) Referral for State or Local Proceedings. —**

*(1) Whenever a complaint alleges a discriminatory housing practice —*

**(A)** within the jurisdiction of a State or local public agency; and

**(B)** as to which such agency has been certified by the Secretary under this subsection; the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

*(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless —*

**(A)** the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

**(B)** the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

**(C)** the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

*(3)*

**(A)** The Secretary may certify an agency under this subsection only if the Secretary determines that —

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this title.

**(B)** Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

*(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.*

*(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.*

**(g) Reasonable Cause Determination and Effect. —**

*(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.*

*(2)*

**(A)** If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

(B) Such charge —

- (i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
- (ii) shall be based on the final investigative report; and
- (iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

*(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.*

*(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.*

(h) Service of Copies of Charge. — After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served —

- (1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and*
- (2) on each aggrieved person on whose behalf the complaint was filed.*

## **Sec. 811. [42 U.S.C. 3611] Subpoenas; Giving of Evidence**

(a) In General. — The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) Witness Fees. — Witnesses summoned by a subpoena under this title shall be entitled to same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) Criminal Penalties. —

*(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than \$100,000 or imprisoned not more than one year, or both.*

*(2) Any person who, with intent thereby to mislead another person in any proceeding under this title —*

*(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);*

*(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or*

*(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;*

*shall be fined not more than \$100,000 or imprisoned not more than one year, or both.*

## **Sec. 812. [42 U.S.C. 3612] Enforcement by Secretary**

(a) Election of Judicial Determination. — When a charge is filed under section 810, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (o) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

**(b) Administrative Law Judge Hearing in Absence of Election.** — If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

**(c) Rights of Parties.** — At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

**(d) Expedited Discovery and Hearing.** —

*(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.*

*(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.*

*(3) The Secretary shall, not later than 180 days after the date of enactment of this subsection, issue rules to implement this subsection.*

**(e) Resolution of Charge.** — Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

**(f) Effect of Trial of Civil Action on Administrative Proceedings.** — An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

**(g) Hearings, Findings and Conclusions, and Order.** —

*(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.*

*(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.*

*(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent —*

**(A)** in an amount not exceeding \$11,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

**(B)** in an amount not exceeding \$27,500 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

**(C)** in an amount not exceeding \$55,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

*(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.*

*(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review) —*

*(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and*

*(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).*

*(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.*

*(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.*

**(h) Review by Secretary; Service of Final Order. —**

*(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.*

*(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.*

**(i) Judicial Review. —**

*(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.*

*(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.*

**(j) Court Enforcement of Administrative Order Upon Petition by Secretary. —**

*(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.*

*(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.*

**(k) Relief Which May Be Granted. —**

*(1) Upon the filing of a petition under subsection (i) or (j), the court may —*

*(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;*

*(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and*

*(C) enforce such order to the extent that such order is affirmed or modified.*

*(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.*

*(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.*

**(l)** Enforcement Decree in Absence of Petition for Review. — If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

- (1) which is filed by the Secretary under subsection (j) after the end of such day; or*
- (2) under subsection (m).*

**(m)** Court Enforcement of Administrative Order Upon Petition of Any Person Entitled to Relief. — If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

**(n)** Entry of Decree. — The clerk of the court of appeals in which a petition for enforcement is filed under subsection (1) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

**(o)** Civil Action for Enforcement When Election Is Made for Such Civil Action. —

- (1) If an election is made under subsection (a), the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code.*
- (2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.*
- (3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.*

**(p)** Attorney's Fees. — In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under section 812, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

### **Sec. 813. [42 U.S.C. 3613] Enforcement by Private Persons**

**(a)** Civil Action. —

*(1)*

**(A)** An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

**(B)** The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

*(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.*

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

(b) Appointment of Attorney by Court. — Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may —

(1) appoint an attorney for such person; or

(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief Which May Be Granted. —

(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on Certain Sales, Encumbrances, and Rentals. — Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

(e) Intervention by Attorney General. — Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

#### **Sec. 814. [42 U.S.C. 3614] Enforcement by the Attorney General**

(a) Pattern or Practice Cases. — Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On Referral of Discriminatory Housing Practice or Conciliation Agreement for Enforcement. —

(1)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(2)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).

(c) Enforcement of Subpoenas. — The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

**(d) Relief Which May Be Granted in Civil Actions Under Subsections (a) and (b). —**

**(1) In a civil action under subsection (a) or (b), the court —**

**(A)** may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

**(B)** may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

**(C)** may, to vindicate the public interest, assess a civil penalty against the respondent —

*(i) in an amount not exceeding \$55,000, for a first violation; and*

*(ii) in an amount not exceeding \$110,000, for any subsequent violation.*

**(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.**

**(e) Intervention in Civil Actions. —** Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

## **Sec. 814a. Incentives for Self-Testing and Self-Correction**

**(a) Privileged Information. —**

**(1) Conditions For Privilege. —** A report or result of a self-test (as that term is defined by regulation of the Secretary) shall be considered to be privileged under paragraph (2) if any person —

**(A)** conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a residential real estate related lending transaction of that person, or any part of that transaction, in order to determine the level or effectiveness of compliance with this title by that person; and

**(B)** has identified any possible violation of this title by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

**(2) Privileged Self-Test. —** If a person meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self-test —

**(A)** shall be privileged; and

**(B)** may not be obtained or used by any applicant, department, or agency in any —

*(i) proceeding or civil action in which one or more violations of this title are alleged; or*

*(ii) examination or investigation relating to compliance with this title.*

**(b) Results of Self-Testing. —**

**(1) In General. —** No provision of this section may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this title is alleged, or in any examination or investigation of compliance with this title if —

**(A)** the person to whom the self-test relates or any person with lawful access to the report or the results —

*(i) voluntarily releases or discloses all, or any part of, the report or results to the aggrieved person, complainant, department, or agency, or to the general public; or*

*(ii) refers to or describes the report or results as a defense to charges of violations of this title against the person to whom the self-test relates; or*

**(B)** the report or results are sought in conjunction with an adjudication or admission of a violation of this title for the sole purpose of determining an appropriate penalty or remedy.

**(2) Disclosure for Determination of Penalty or Remedy.** — Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B) —

**(A)** shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

**(B)** may not be used in any other action or proceeding.

**(c) Adjudication.** — An aggrieved person, complainant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in —

**(1) a court of competent jurisdiction; or**

**(2) an administrative law proceeding with appropriate jurisdiction.**

**(2) Regulations.** —

**(A) In General.** — Not later than 6 months after the date of enactment of this Act, in consultation with the Board and after providing notice and an opportunity for public comment, the Secretary of Housing and Urban Development shall prescribe final regulations to implement section 814A of the Fair Housing Act, as added by this section.

**(B) Self-Test.** —

**(i) Definition.** — The regulations prescribed by the Secretary under subparagraph (A) shall include a definition of the term “self-test” for purposes of section 814A of the Fair Housing Act, as added by this section.

**(ii) Requirement for Self-Test.** — The regulations prescribed by the Secretary under subparagraph (A) shall specify that a self-test shall be sufficiently extensive to constitute a determination of the level and effectiveness of the compliance by a person engaged in residential real estate related lending activities with the Fair Housing Act.

**(iii) Substantial Similarity to Certain Equal Credit Opportunity Act Regulations.** — The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Board to carry out section 704A of the Equal Credit Opportunity Act, as added by this section.

**(C) Applicability.** —

**(1) In General.** — Except as provided in paragraph (2), the privilege provided for in section 704a of the Equal Credit Opportunity Act or section 814a of the Fair Housing Act (as those sections are added by this section) shall apply to a self-test (as that term is defined pursuant to the regulations prescribed under subsection (a)(2) or (b)(2) of this section, as appropriate) conducted before, on, or after the effective date of the regulations prescribed under subsection (a)(2) or (b)(2), as appropriate.

**(2) Exception.** — The privilege referred to in paragraph (1) does not apply to such a self-test conducted before the effective date of the regulations prescribed under subsection (a) or (b), as appropriate, if —

**(A)** before that effective date, a complaint against the creditor or person engaged in residential real estate related lending activities (as the case may be) was —

**(i) formally filed in any court of competent jurisdiction; or**

**(ii) the subject of an ongoing administrative law proceeding;**

**(B)** in the case of section 704a of the Equal Credit Opportunity Act, the creditor has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section; or

**(C)** in the case of section 814a of the Fair Housing Act, the person engaged in residential real estate related lending activities has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section.

**Sec. 815. [42 U.S.C. 3614a] Rules to Implement Title** The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.

**Sec. 816. [42 U.S.C. 3615] Effect on State laws**

Nothing in this subchapter shall be constructed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

**Sec. 817. [42 U.S.C. 3616] Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register**

The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

**Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title.

**Sec. 819. [42 U.S.C. 3618] Authorization of appropriations** There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

**Sec. 820. [42 U.S.C. 3619] Separability of provisions** If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

**(Sec. 12 of 1988 Act). [42 U.S.C. 3601 note] Disclaimer of Preemptive Effect on Other Acts**

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended.

**(Sec. 13 of 1988 Act). [42 U.S.C. 3601 note] Effective Date and Initial Rulemaking**

**(a) Effective Date.** — This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

**(b) Initial Rulemaking.** — In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act, issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

**(Sec. 14 of 1988 Act). [42 U.S.C. 3601 note] Separability of Provisions**

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

**Section 901. (Title IX As Amended) [42 U.S.C. 3631] Violations; bodily injury; death; penalties**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with —

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin and because he is or has been selling, purchasing, renting, financing occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from —

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection(a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate — shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.



## TITLE 28, UNITED STATES CODE, AS AMENDED

### Section 2341. Definitions

As used in this chapter —

(1) “clerk” means the clerk of the court in which the petition for the review of an order, reviewable under this chapter, is filed;

(2) “petitioner” means the party or parties by whom a petition to review an order, reviewable under this chapter, is filed; and

(3) “agency” means —

(A) the Commission, when the order sought to be reviewed was entered by the Federal Communications Commission, the Federal Maritime Commission, the Interstate Commerce Commission, or the Atomic Energy Commission, as the case may be;

(B) the Secretary, when the order was entered by the Secretary of Agriculture;

(C) the Administration, when the order was entered by the Maritime Administration; and

(D) the Secretary, when the order is under section 812 of the Fair Housing Act.

### Section 2342. Jurisdiction of court of appeals

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of —

(1) all final orders of the Federal Communications Commission made reviewable by section 402(a) of title 47;

(2) all final orders of the Secretary of Agriculture made under chapters 9 and 20A of title 7, except orders issued under section 210(e), 217a, and 499g(a) of title 7;

(3) all rules, regulations, or final orders of —

(A) the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 802, 803, 808, 835, 839, and 841(a)); and

(B) the Federal Maritime Commission issued pursuant to —

(i) section 23, 25, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 822, 824, or 841a);

(ii) section 19 of the Merchant Marine Act, 1920 (46 U.S.C.App. 876);

(iii) section 2, 3, 4, or 5 of the Intercoastal Shipping Act, 1933 (46 U.S.C.App. 844, 845, 845a, or 845b);

(iv) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C.App. 1713 or 1716); or

(v) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C.App. 817d(d) or 817e(d));

(4) all final orders of the Atomic Energy Commission made reviewable by section 2239 of title 42;

(5) all rules, regulations, or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title and all final orders of such Commission made reviewable under section 11901(j)(2) of Title 49, United States Code; and

(6) all final orders under section 812 of the Fair Housing Act.

*Jurisdiction is invoked by filing a petition as provided by section 2344 of this title. Updated August 6, 2015*

### Fair Housing Laws and Presidential Executive Orders

[hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_and\\_related\\_law](http://hud.gov/program_offices/fair_housing_equal_opp/fair_housing_and_related_law)

# 7

## Addendum The Fair Housing Laws

### THE FAIR HOUSING LAWS:

#### Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

#### Title VI of the Civil Rights Act of 1964

Prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

#### Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

#### Section 109 of Title I of the Housing and Community Development Act of 1974

Prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant Program.

#### Title II of the Americans with Disabilities Act of 1990

Prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and

local public housing, housing assistance and housing referrals.

#### Architectural Barriers Act of 1968

Requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after 1969 must be accessible to and useable by handicapped persons.



### **Age Discrimination Act of 1975**

Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

### **Title IX of the Education Amendments Act of 1972**

Prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

## **Fair Housing-Related Presidential Executive Orders**

### **Executive Order 11063**

Prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

### **Executive Order 11246**

As amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.

### **Executive Order 12892**

As amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

### **Executive Order 12898**

Requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.

### **Executive Order 13166**

Eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

### **Executive Order 13217**

Requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.



**EQUAL HOUSING  
OPPORTUNITY**

This publication is designed to increase community awareness of fair housing laws and responsibilities to affirmatively further fair housing as participants in the Community Development Block Grant (CDBG) program. The information is for educational purposes only and does not constitute legal advice and does not necessarily reflect the views of the county, state or federal governments.

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