

§ 100.144  
(b) A lender must take action reasonably likely to remedy the cause and effect of the likely violation and must:  
(1) Identify the policies or practices that are the likely cause of the violation, such as inadequate or improper lending policies, failure to implement established policies, employee conduct, or other causes; and  
(2) Assess the extent and scope of any likely violation, by determining which areas of operation are likely to be affected by those policies and practices, such as stages of the loan application process, types of loans, or the particular branch where the likely violation has occurred. Generally, the scope of the self-test governs the scope of the appropriate corrective action.  

(c) Appropriate corrective action may include both prospective and remedial relief, except that to establish a privilege under this subpart:  
(1) A lender is not required to provide remedial relief to a tester in a self-test;  
(2) A lender is only required to provide remedial relief to an applicant identified by the self-test as one whose rights were more likely than not violated;  
(3) A lender is not required to provide remedial relief to a particular applicant if the statute of limitations applicable to the violation expired before the lender obtained the results of the self-test or the applicant is otherwise ineligible for such relief.  
(d) Depending on the facts involved, appropriate corrective action may include, but is not limited to, one or more of the following:  
(1) If the self-test identifies individuals whose applications were inappropriately processed, offering to extend credit if the applications were improperly denied; compensating such persons for any damages, both out-of-pocket and compensatory;  
(2) Correcting any institutional policies or procedures that have contributed to the likely violation, and adopting new policies as appropriate;  
(3) Identifying, and then training and/or disciplining the employees involved;  
(4) Developing outreach programs, marketing strategies, or loan products to serve more effectively the segments of the lender's market that may have been affected by the likely violation; and  
(5) Improving audit and oversight systems to avoid a recurrence of the likely violations.  
(e) Determination of appropriate corrective action is fact-based. Not every corrective measure listed in paragraph (d) of this section need be taken for each likely violation.  
(f) Taking appropriate corrective action is not an admission by a lender that a violation occurred.  


§ 100.145  
(a) The self-test report or results are not privileged under this subpart if the lender or person with lawful access to the report or results:  
(1) Voluntarily discloses any part of the report or results or any other information privileged under this subpart to any aggrieved person, complainant, department, agency, or to the public; or  
(2) Discloses the report or results or any other information privileged under this subpart as a defense to charges a lender violated the Fair Housing Act; or  
(3) Fails or is unable to produce self-test records or information needed to determine whether the privilege applies.  
(b) Disclosures or other actions undertaken to carry out appropriate corrective action do not cause the lender to lose the privilege.  


§ 100.146  
Notwithstanding §100.145, the self-test report or results may be obtained.
and used by an aggrieved person, applicant, department or agency solely to
determine a penalty or remedy after
the violation of the Fair Housing Act
has been adjudicated or admitted. Dis-
closures for this limited purpose may
be used only for the particular pro-
cceeding in which the adjudication or
admission is made. Information dis-
closed under this section remains oth-
ewise privileged under this subpart.

§ 100.147 Adjudication.
An aggrieved person, complainant,
department or agency that challenges
a privilege asserted under §100.144 may
seek a determination of the existence
and application of that privilege in:
(a) A court of competent jurisdiction;
or
(b) An administrative law proceeding
with appropriate jurisdiction.

§ 100.148 Effective date.
The privilege under this subpart ap-
plies to self-tests conducted both be-
fore and after January 30, 1998, except
that a self-test conducted before Janu-
ary 30, 1998 is not privileged:
(a) If there was a court action or ad-
ministrative proceeding before Janu-
ary 30, 1998, including the filing of a
complaint alleging a violation of the
Fair Housing Act with the Department
or a substantially equivalent state or
local agency; or
(b) If any part of the report or results
were disclosed before January 30, 1998
to any aggrieved person, complainant,
department or agency, or to the gen-
eral public.

Subpart D—Prohibition Against
Discrimination Because of
Handicap

§ 100.200 Purpose.
The purpose of this subpart is to ef-
fecuate sections 6 (a) and (b) and 15 of
the Fair Housing Amendments Act of

§ 100.201 Definitions.
As used in this subpart:

Accessible, when used with respect to
the public and common use areas of a
building containing covered multi-
family dwellings, means that the pub-
lic or common use areas of the building
can be approached, entered, and used
by individuals with physical disabili-
ties. The phrase “readily accessible to
and usable by” is synonymous with ac-
cessible. A public or common use area
that complies with the appropriate re-
quirements of ICC/ANSI A117.1–2003 (in-
corporated by reference at §100.201a),
ICC/ANSI A117.1–1998 (incorporated by
reference at §100.201a), CABO/ANSI
A117.1–1992 (incorporated by reference
at §100.201a), ANSI A117.1–1986 (incor-
porated by reference at §100.201a), or a
comparable standard is deemed
“accessible” within the meaning of this
paragraph.

Accessible route means a continuous
unobstructed path connecting acces-
sible elements and spaces in a building
or within a site that can be negotiated
by a person with a severe disability
using a wheelchair and that is also safe
for and usable by people with other dis-
abilities. Interior accessible routes
may include corridors, floors, ramps,
elevators, and lifts. Exterior accessible
routes may include parking access
aisles, curb ramps, walks, ramps, and
lifts. A route that complies with the
appropriate requirements of ICC/ANSI
A117.1–2003 (incorporated by reference
at §100.201a), ICC/ANSI A117.1–1998 (in-
corporated by reference at §100.201a),
1986 (incorporated by reference at
§100.201a), or a comparable standard is
an “accessible route.”

Building means a structure, facility
or portion thereof that contains or
serves one or more dwelling units.

Building entrance on an accessible
route means an accessible entrance to a
building that is connected by an access-
sible route to public transportation
stops, to accessible parking and pas-
enger loading zones, or to public
streets or sidewalks, if available. A
building entrance that complies with
ICC/ANSI A117.1–2003 (incorporated by
reference at §100.201a), ICC/ANSI
A117.1–1998 (incorporated by reference
at §100.201a), CABO/ANSI A117.1–1992
(incorporated by reference at