

## § 108.45

AFHM requirements and the applicant's approved AFHM plan. Where allegations under this part may also constitute a violation of the provisions of Executive Order 11063 or title VIII, the review will also determine compliance with the requirements thereof. The applicant shall be given at least five (5) days notice of the time set for any compliance review and the place or places for such review. The compliance review will cover the following areas:

(1) Applicant's sales and rental practices, including practices in soliciting buyers and tenants, determining eligibility, selecting and rejecting buyers and renters, and in concluding sales and rental transactions.

(2) Programs to attract minority and majority buyers and renters regardless of sex, including:

(i) Use of advertising media, brochures, and pamphlets;

(ii) Conformance with both the Department's Fair Housing Poster Regulation (24 CFR part 110) and the Advertising Guidelines for Fair Housing (37 FR 6700) and any revisions thereto.

(3) Data relating to:

(i) The size and location of units;

(ii) Services provided;

(iii) Sales and/or rental price ranges;

(iv) The race and sex of buyers and/or renters;

(v) Race and sex of staff engaged in sale or rental of dwellings.

(4) Other matters relating to the marketing or sales of dwellings under HUD affirmative marketing requirements, the AFMH Plan and this part.

[44 FR 47013, Aug. 9, 1979, as amended at 64 FR 44096, Aug. 12, 1999]

### § 108.45 Compliance report.

Following a compliance review, a report shall be prepared promptly and the Assistant Secretary for FH&EO shall make a finding of compliance or noncompliance. If it is found that the applicant is in compliance, all parties concerned shall be notified of the findings. Whenever a finding of noncompliance is made pursuant to this part, the report shall list specifically the violations found. The applicant shall be sent a copy of the report by certified mail, return receipt requested, together with a notice that, if the matter cannot be resolved within ten days of receipt of

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the Notice, the matter will be referred to the Assistant Secretary for FH&EO to make a determination as to whether actions will be initiated for the imposition of sanctions.

[44 FR 47013, Aug. 9, 1979, as amended at 64 FR 44097, Aug. 12, 1999]

### § 108.50 Sanctions.

Applicants failing to comply with the requirements of these regulations, the AFHM regulations, or an AFHM plan will make themselves liable to sanctions authorized by law, regulations, agreements, rules, or policies governing the program pursuant to which the application was made, including, but not limited to, denial of further participation in Departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief.

## PART 110—FAIR HOUSING POSTER

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AUTHORITY: 42 U.S.C. 3535(d), 3600-3620.

SOURCE: 37 FR 3429, Feb. 16, 1972, unless otherwise noted.

### Subpart A—Purpose and Definitions

#### § 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804 through 806 of

the Fair Housing Act, 42 U.S.C. 3604–3606.

[54 FR 3310, Jan. 23, 1989]

### § 110.5 Definitions.

(a) The terms *Department* and *Secretary* are defined in 24 CFR part 5.

(b) *Discriminatory housing practice* means an act that is unlawful under section 804, 805, 806, or 818 of the Act.

(c) *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.

(d) *Family* includes a single individual.

(e) *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 U.S.C., receivers and fiduciaries.

(f) *Fair housing poster* means the poster prescribed by the Secretary for display by persons subject to sections 804–806 of the Act.

(g) *The Act* means the Fair Housing Act (The Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988), 42 U.S.C. 3600, *et seq.*

(h) *Person in the business of selling or renting dwellings* means a person as defined in section 803(c) of the Act.

[37 FR 3429, Feb. 16, 1972, as amended at 54 FR 3311, Jan. 23, 1989; 61 FR 5205, Feb. 9, 1996]

## Subpart B—Requirements for Display of Posters

### § 110.10 Persons subject.

(a) Except to the extent that paragraph (b) of this section applies, all persons subject to section 804 of the Act, *Discrimination in the Sale or Rental of Housing and Other Prohibited Practices*, shall post and maintain a fair housing poster as follows:

(1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for

sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

(2) With respect to all other dwellings covered by the Act:

(i) A fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and

(ii) A fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings instead of at each of the individual dwellings.

(3) With respect to those dwellings to which paragraph (a)(2) of this section applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.

(b) This part shall not require posting and maintaining a fair housing poster:

(1) On vacant land, or

(2) At any single-family dwelling, unless such dwelling

(i) Is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(2)(ii) of this section, or

(ii) Is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(1) of this section,

(c) All persons subject to section 805 of the Act, *Discrimination In Residential Real Estate-Related Transactions* shall post and maintain a fair housing poster at all their places of business which participate in the covered activities.

(d) All persons subject to section 806 of the Act, *Discrimination in the Provision of Brokerage Services*, shall post

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and maintain a fair housing poster at all their places of business.

[37 FR 3429, Feb. 16, 1972, as amended at 54 FR 3311, Jan. 23, 1989]

**§ 110.15 Location of posters.**

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or seeking to engage in residential real estate-related transactions or brokerage services as contemplated by sections 804 through 806 of the Act.

[54 FR 3311, Jan. 23, 1989]

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**§ 110.20 Availability of posters.**

All persons subject to this part may obtain fair housing posters from the Department's regional and area offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department.

[37 FR 3429, Feb. 16, 1972]

**§ 110.25 Description of posters.**

(a) The fair housing poster shall be 11 inches by 14 inches and shall bear the following legend:



**EQUAL HOUSING OPPORTUNITY**

We do Business in Accordance With the Fair Housing Act

(The Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988)

**IT IS ILLEGAL TO DISCRIMINATE AGAINST**

**ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS (HAVING ONE OR MORE CHILDREN), OR NATIONAL ORIGIN**

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.
- In the financing of housing.
- In the appraisal of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

Anyone who feels he or she has been discriminated against should send a complaint to:

U.S. Department of Housing and Urban Development, Assistant Secretary for Fair Housing and Equal Opportunity, Washington, DC 20410

or

HUD Region or [Area Office stamp]

(b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

[37 FR 3429, Feb. 16, 1972, as amended at 40 FR 20079, May 8, 1975; 54 FR 3311, Jan. 23, 1989]

**Subpart C—Enforcement****§ 110.30 Effect of failure to display poster.**

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice.

[37 FR 3429, Feb. 16, 1972]

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AUTHORITY: 42 U.S.C. 3601-19; 42 U.S.C. 3535(d).

SOURCE: 72 FR 19074, Apr. 16, 2007, unless otherwise noted.

**PART 115—CERTIFICATION AND FUNDING OF STATE AND LOCAL FAIR HOUSING ENFORCEMENT AGENCIES**

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**Subpart A—General****§ 115.100 Definitions.**

(a) The terms "Fair Housing Act," "HUD," and "the Department," as used in this part, are defined in 24 CFR 5.100.

(b) The terms "aggrieved person," "complainant," "conciliation," "conciliation agreement," "discriminatory housing practice," "dwelling," "handicap," "person," "respondent," "secretary," and "state," as used in this part, are defined in Section 802 of the Fair Housing Act (42 U.S.C. 3602).

(c) *Other definitions.* The following definitions also apply to this part:

*Act* means the Fair Housing Act, as defined in 24 CFR 5.100.

*Assistant Secretary* means the Assistant Secretary for Fair Housing and Equal Opportunity.

*Certified agency* is an agency that has been granted certification by the Assistant Secretary in accordance with the requirements of this part.

*Cooperative agreement* is the instrument HUD will use to provide funds. The Cooperative Agreement includes attachments and/or appendices establishing requirements relating to the operation and performance of the agency.

*Cooperative agreement officer (CAO)* is the administrator of the funds awarded pursuant to this part and is a regional director of the Office of Fair Housing and Equal Opportunity.

*Dual-filed complaint* means a housing discrimination complaint that has been filed with both HUD and the agency that has been granted interim certification or certification by the Assistant Secretary.

*FHAP* means the Fair Housing Assistance Program.