

FILED

MAY 14 1973

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIAW. FARLEY POWERS, JR., Clerk
BY G. J. C. Bassett
Deputy Clerk

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CHARTER REALTY CORP.)

Defendant.)

CIVIL ACTION NO. 196-73-N

CONSENT DECREE

This action was instituted by the United States based on alleged violations of the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq. In the complaint filed on this day, it is alleged that the defendant has engaged in a pattern and practice of resistance to the enjoyment of rights secured by the Fair Housing Act, and has denied rights secured by the Act to groups of persons, such denials raising an issue of general public importance. The essence of the complaint is that the defendant corporation, through its agents, fails to provide black persons with its real estate brokerage services on the same basis and under the same conditions as services are afforded to white persons; that it makes dwellings and listings of dwellings unavailable to prospective purchasers on account of race or color; that it shows dwellings and listings of dwellings to white persons almost exclusively in white and predominantly white neighborhoods, on account

of race or color; that it shows dwellings and listings of dwellings to black persons almost exclusively in black and racially transitional areas on account of race or color; that it steers and channels black persons seeking dwellings to all-black and racially changing areas, while guiding white persons seeking dwellings to all-white and predominantly white areas on account of race or color; and that it induces and attempts to induce for profit, white homeowners to sell dwellings by explicit and implicit representations regarding the entry or prospective entry of black persons into their neighborhoods.

The defendant denies the material allegations of the complaint and contends that it has conducted its business operations in a lawful and non-discriminatory manner without regard to race, color, religion or national origin. Without admission of any violation of the Fair Housing Act of 1968, the defendant states its desire to cooperate with the United States to improve housing opportunities for all persons without regard to race, color, religion or national origin, to refrain from any business activities which have the purpose or effect of inducing white persons to sell dwellings on account of representations of the entry or prospective entry of black persons into their neighborhoods, and to undertake an affirmative program to promote equal housing opportunities. In view of the stated willingness of the defendant to take these steps,

the United States has agreed not to prosecute the litigation to seek a determination as to whether the defendant has discriminated in the past. The parties have agreed that this Court has jurisdiction of this action under 28 U.S.C. 1345 and 42 U.S.C. 3613. Accordingly, without any adjudication on the merits, the parties have consented to the entry of this Decree as indicated by the signatures of counsel affixed hereto as well as by the signature of the defendant's president.

I.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the defendant, its officers, agents, employees, successors, and all those in active concert with any of them be, and each of them is, hereby permanently enjoined from:

1. Refusing or failing to show, sell or rent a dwelling to any person because of race, color, religion or national origin.

2. Otherwise making a dwelling unavailable or denying a dwelling to any person because of race, color, religion or national origin.

3. Failing, on account of race, color, religion or national origin, to provide and volunteer information to any black prospective purchaser or tenant about homes in all-white or predominantly white residential areas.

4. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling,

or in the provision of services in connection therewith, including services relating to the financing of such dwelling, and including the provision of information with respect to such services relating to financing, because of race, color, religion or national origin.

5. Making, printing, or publishing, or causing 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, or national origin.

6. Representing to any person, because of race, color, religion or national origin, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact available.

7. Inducing or attempting to induce, for profit, 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 or national origin. For purposes of this Decree, a prohibited representation shall include any acts or words to induce the sale of a dwelling that would be likely to convey to a reasonable man, under the circumstances, the idea that members of a particular race, color, religion

or national origin are or may be entering his neighborhood.*/

8. Steering or chaneling any prospective purchaser toward residence in any particular dwelling or neighborhood on account of race, color, religion or national origin.

9. Failing or refusing to conduct all solicitation**/ efforts in such manner (1) that the types and amount of solicitation activity shall be essentially similar in all areas in which the defendant conducts business, and (2) that no greater amount or different type of solicitation shall be conducted in areas which are undergoing racial transition than in other areas.

10. Failing, within thirty (30) days of the entry of this Decree, to conduct an educational program for its sales personnel and all other agents and employees to inform them of the provisions of this Decree and their duties under the Fair Housing Act of 1968. Such program shall include:

*/ It is neither "blockbusting," nor a violation of the law or of this Decree, to show or sell a home to a black person in a previously all-white or predominantly white area. The assignment of black sales personnel to white residential areas is likewise lawful and in compliance with this Decree.

**/ "Solicitation" shall mean any telephone contact, personal contact, mailing, distribution of printed material, or any other contact initiated by the defendant, without request from the homeowner, for the purpose of obtaining the listing or sale of real estate or advising persons of real estate services offered by defendant.

A. Furnishing to each agent and employee a copy of this Decree and of the Fair Housing Act.

B. Informing each agent and employee, in person or by general meeting, of the provisions of this Decree, including the maintenance of the Information Sheets and Equal Housing Opportunity Forms hereinafter described, and of the duties of the company and its agents and employees under the Fair Housing Act. Each agent and employee shall be advised that his failure to comply with the provisions of this Decree shall subject him to dismissal or other disciplinary action.

C. Securing a signed statement from each agent that he has read this Decree and received the instructions described in the preceding paragraph, and immediately forwarding copies of such signed statements to this Court and to counsel for the United States.

Thereafter, within ten days after the employment of any new agent or employee, the defendant shall provide such agent or employee with a copy of this Decree and with the instructions described above; shall secure from each

such agent or employee a signed statement that he has read the Decree and received the instructions described above; and shall forward copies of such statements to this Court and to counsel for the United States.

II.

IT IS FURTHER ORDERED that the defendant shall forthwith adopt and implement a program of compliance with the Fair Housing Act in order to insure that in the future all dwellings listed and shown by the defendant in all areas in which it does business will be made available for inspection on the same basis, without regard to race or color. Such a program shall include, but need not be limited to, the following steps:

1. The defendant shall inform the public generally and its customers or clients specifically of its non-discriminatory policy by taking the following steps:

- A. The defendant shall include on all listing contracts, exclusive or non-exclusive, in conspicuous type size, a statement that the property listed "will be shown and made available for sale to all persons without regard to race or color in compliance with the 1968 Fair Housing Act." In addition, at the time of listing, all sellers are to be orally informed of this provision.

B. The defendant shall display fair housing posters in all offices of the defendant where there is sale or rental activity, in a form approved by the Secretary of Housing and Urban Development Title 24 C.F.R., Part 110, published in 37 Fed. Reg. 3429. A copy of the regulation is attached hereto as Appendix "A."

C. The defendant shall include in not less than one half of all advertisements caused to be published in the classified real estate sections of newspapers having general circulation in the Norfolk metropolitan area, a statement to the effect that Charter Realty Corporation is an Equal Opportunity Realtor. The defendant shall select the homes to be so advertised at random within all price ranges and neighborhoods in which it has listings so as to insure that the statement of non-discrimination does not become associated only with certain limited price ranges or transitional neighborhoods. All other promotional literature shall contain a statement in conspicuous type size, to the effect that Charter Realty Corporation is an Equal

Opportunity Realtor. In addition, all advertising and promotional literature caused to be published by the defendant or its agents shall conform to the Department of Housing and Urban Development advertising guidelines, as published in 37 Fed. Reg. 6700 on April 1, 1972, except that the "Equal Opportunity Realtor" slogan hereinabove required in classified newspaper advertisements need not be stated in different type face or size than that used for other information in the advertisements. A copy of these guidelines is attached as Appendix "B" to this Decree.

D. The defendant shall send by United States mail to each of the persons listed in Appendix "C" of this Decree, who are black real estate brokers doing business in the Norfolk metropolitan area, a letter advising them of its non-discriminatory policies, more particularly described in Appendix "D" to this Decree.

E. The defendant shall forward to the coordinating Housing Referral Office, Navy Public Works Center, Hampton Boulevard and Ingram Street, Norfolk, Virginia, appropriate information on all properties for sale or rent listed by Charter Realty Corporation, within three days after these listings are obtained.

F. In order to assure that black prospective purchasers are not discouraged from seeking homes in all neighborhoods in which the defendant lists and sells homes, the defendant shall hire and assign black sales agents to duties and responsibilities without regard to race or color. The defendant shall not engage in any discriminatory employment practice within the meaning of 42 U.S.C. 2000e et seq. In addition, the defendant shall cause to be published, once each day for a period of two years in a newspaper having general circulation throughout the Norfolk metropolitan area, a classified employment advertisement in which is inserted the slogan "Equal Opportunity Employer."

2. In order to assure that each prospective purchaser has complete information regarding the availability of homes in all areas and to assure that purchasers are afforded a realistic opportunity to purchase in neighborhoods where members of a race other than their own predominate or may be concentrated, the following guidelines with respect to the selection of homes to be shown shall be implemented:

A. Each prospective purchaser shall be advised generally that the company sells homes in all neighborhoods of the Norfolk metropolitan area. Each prospective purchaser shall further be advised of the financial requirements necessary or desirable for the purchase of a home, including the amount of family income and downpayment required and the sources of mortgage loans for home purchasers.

B. Whenever a black prospective purchaser inquires in person with respect to (1) the purchase of a home generally or (2) the purchase of a particular home listed or advertised by the defendant, the agent or employee of the defendant shall present the prospective purchaser with a copy of the Equal Housing Opportunity form, attached hereto as Appendix "E" shall offer a full explanation as to the origin, purpose and meaning of that form, and shall request the prospective purchaser to sign it. However, after being so informed, no prospective purchaser shall be denied the opportunity to inspect or buy any home because of refusal to sign the form. The agent or employee

shall enter the prospect's name on the Equal Housing Opportunity Form only when the prospect refuses to do so.

C. Whenever a prospective purchaser makes inquiry regarding a home or homes, the defendant shall make the prospective purchaser aware of the existence of all available homes of which it is aware which are of the same character and of the desired price range, without regard to the location of such homes, and shall make available to the prospective purchaser an opportunity to ascertain information with respect to all such homes.

D. The agent shall suggest and show homes and neighborhoods to all prospective purchasers without regard to race or color, and shall provide each black and white prospective purchaser with full and accurate non-racial information regarding the desirability of all homes and neighborhoods suggested or shown by him.

E. No agent shall limit the homes shown or offered to be shown to any black prospective purchaser, or allocate an unreasonable proportion of such homes shown or offered to be shown, to areas in which a

majority of the residents are black or in which there is an on going neighborhood transition from predominantly white to predominantly black occupancy.

F. If a prospect requests an agent to show a specific home, or if the prospect requests to see homes within a specific neighborhood, he will be shown the home or neighborhood which satisfies the request. If the prospect is not satisfied with the specific home requested to be shown, or is not satisfied with the first three homes shown within the specific neighborhood requested, then the agent shall select, suggest and show homes under the guidelines set forth in the preceding paragraph.

G. Information with respect to the racial composition of a particular area or subdivision shall only be made available in response to a specific, unsolicited question. No such information about the racial composition of an area shall be used to encourage any prospect to live in a neighborhood predominantly occupied by persons of his own race, and no prospect shall be warned or advised: (1) that he will not or may not be welcome in an area

because of racial opposition in the neighborhood; or (2) that he should avoid purchasing a home in a neighborhood because of the racial composition of the area.

H. For each home shown, the prospect shall be provided with full and accurate information regarding each means of financing that is acceptable to the seller and the financial requirements necessary or desirable for the purchase of the home, including the amount of family income and down payment required and the sources of mortgage loans for home purchases.

I. For a period of two years from the date of this Decree, the defendant shall prepare and maintain an Information Sheet on each home listed with it for sale and for each prospective purchaser who personally contacts an agent of defendant to purchase a home. The form of these Information Sheets is hereinafter described in Paragraph IV (3) and IV (5) and Appendices "F" and "G" of this Decree. In addition, for a period of two years from the date of this Decree, the defendant shall prepare and maintain records regarding

solicitation activity more particularly described in Paragraph IV(2) below.

III.

IT IS FURTHER ORDERED that thirty (30) days after this Decree is entered, the defendant shall file with the Court and serve on counsel for the United States a report enumerating the preliminary steps it has taken to implement the provisions of this Decree. This report shall include a copy of the new listing forms and copies of signed statements by agents and employees.

IV.

IT IS FURTHER ORDERED that ninety (90) days after this Decree is entered, and at three-month intervals for the next two years, the defendant shall file with this Court and serve on counsel for the United States a report containing the following information for the preceding reporting period:

1. The name of each new agent or employee, the date of his employment, his race, and a copy of his signed statement; and the name, race, date of termination and reason therefor for each agent or employee who has left defendant's employ.

2. For each homeowner whose listing is solicited:*/

*/ This shall include all solicitation as hereinabove defined except that conducted of relatives or personal friends of agents of defendant.

A. The name of the agent.

B. The address (number or block, street, neighborhood and city) of each homeowner solicited by mail or in person.

C. The address, neighborhood, name and telephone number of each homeowner solicited by telephone.

D. The date of the solicitation.

E. A copy of the type of literature mailed or delivered to each.

F. Whether the neighborhood being solicited is (a) all white, (b) integrated or transitional, or (c) predominantly or all black.

The parties are agreed that the Solicitation Form, a copy of which is attached hereto as Appendix "H," is the appropriate form upon which this information is to be compiled, and that the service of completed forms upon counsel for the United States will comply with the reporting provision of this paragraph.

3. The listing of each home secured by the defendant during the reporting period, including the address of the home listed (street, neighborhood, and city); the name and race of the seller; the name of the agent obtaining the listing; the source of the listing; the date the listing was obtained; the racial composition of the neighborhood; whether it is to be advertised, and, if so, whether the listing is advertised with the equal opportunity slogan or not; whether the house was

multiple-listed and if not, an explanation of the seller's reason or reasons therefor; the listing price and the means of financing acceptable to the seller; the name and race of all persons shown the home and the date they were shown it; the name of the other firms and agents who showed the house; the name and race of the purchaser; the date of sale, sale price, and means of financing; and name of the agent, employee, or other brokerage firm representing the purchaser. The parties are agreed that Information Sheet No. 1, a copy of which is attached hereto as Appendix "F," is the appropriate form upon which this information is to be compiled, and that the service of completed forms upon counsel for the United States will comply with the reporting provision of this paragraph.

4. For each person who contacts in person an agent of the defendant to purchase a home or who purchases a home:

A. His name, race, address, and place of employment.

B. The date on which he initially contacted an agent of the defendant, and the name of the agent contacted.

C. The means or source of initial contact, including whether he contacted defendant's agent on floor duty, was assigned

to him by another agent or employee or was a former customer, friend or relative, and whether he came to the defendant because of a sign, advertisement, open house, or other source. With respect to the latter, the defendant shall identify the address of the sign or open house or the medium of advertisement.

D. The type of financing, price range, number of bedrooms, and other home identifying characteristics desired by the prospect.

E. The location-influencing factors considered important by the prospect.

F. The address (street, neighborhood, and city), listing broker or agent of Charter, listing price, and size of all homes shown the prospect by defendant, together with the time and date the home was shown, whether the home was in a neighborhood of black concentration or not, and, if the buyer rejected the home shown, details as to why he stated he rejected it.

G. A brief explanation by the agent as to why any white prospect was shown only homes in all-white areas, or as to why a black prospect was shown homes

only in areas in which black persons reside.

H. The current status of the prospect, including:

(i) whether defendant is actively assisting him in finding a house, or

(ii) whether defendant is no longer actively assisting him in finding a house, although he has not so far submitted a contract through defendant for the purchase of a home, and if so, an explanation; or

(iii) whether the defendant is no longer actively assisting him in finding a house because he has submitted a contract through defendant for the purchase of a house, and if so the address, (street, neighborhood, and city), price, date of sale, down payment, method of financing, and agent or firm representing the seller.

The parties are agreed that the Information Sheet No. 2, a copy of which is attached as Appendix "G," is the appropriate form upon which this information is to be compiled and that the service of completed copies of such forms upon counsel for the United States will comply with the reporting provisions of this paragraph.

5. A copy of each Equal Housing Opportunity Form required by Paragraph II(2)(B) above.

6. The signed statements required by Paragraph I(10) above.

7. The name and address of each seller who refuses to give the defendant an exclusive listing on account of the defendant's duty to show that house to any prospective purchaser regardless of race or color, and the name of the real estate company, if any, which subsequently receives the exclusive listing from the seller.

8. The name of any financial institution which refuses to give a mortgage to any black persons seeking to purchase a home in a predominantly white area, the name of the buyer, and the reasons offered by the institution for such refusal.

V.

IT IS FURTHER ORDERED that:

1. Representatives of the United States shall be permitted to inspect and copy at all reasonable times, all records (the term "records" includes all papers,

correspondence, applications, credit reports, offers, contracts, and other writings which constitute or contain information bearing on the defendant's obligations under this Decree) which relate to the sale or rental of any dwelling. The United States shall accomplish the inspection and copying with a minimum of inconvenience to the defendant and its representatives. The United States shall preserve the confidentiality of all information contained except as necessary to obtain compliance with, or modification of, this Decree.

2. In the event of a dispute under this Decree, either of the parties may apply to the Court for direction and resolution of such dispute, upon giving of reasonable notice to the other party.

3. If during the effective life of this Decree, the United States has a complaint against the defendant arising out of the reports furnished pursuant to this Decree, or if information about possible violations of this Decree by the defendant is brought to the attention of counsel for the United States by a prospective purchaser or by any other person, counsel for the United States shall furnish to the defendant in writing the substance of its information about the alleged violation, including (if known to counsel for the United States), the name and address of the person allegedly discriminated against, the date of the alleged incident, where it took

place, the name of the agent or agents of the defendant involved. Thereafter, the defendant shall have fifteen (15) days after receipt of the complaint to investigate the complaint. If the complaint is determined by defendant to be valid, the defendant shall advise counsel for the United States in writing what steps have been taken to correct the conditions leading to such violation. If the complaint is determined by defendant to be invalid, the defendant shall advise counsel for the United States in writing of the basis for such determination. Upon the expiration of the fifteen (15) days, the United States may initiate action where it is deemed appropriate. If, however, it appears that a lapse of fifteen (15) days would effectively preclude adequate relief, the United States may initiate appropriate action at any time after advising the defendant in writing (or, in an emergency, by telephone or telegram) of the alleged violation.

VI.

IT IS FURTHER ORDERED that:

1. The defendant's keeping of racial records for the purpose of complying with this Decree shall not be considered discriminatory.
2. Two years after the entry of this Decree, or thereafter, the defendant may move to dissolve this Decree. If the United States fails to interpose any objection within thirty (30) days of receiving notice of the motion,

the injunction shall be dissolved and the complaint dismissed without further order of the Court.

3. This Decree in no way determines the validity of any claims that have existed or may exist in the future between the defendant and any other persons or organization other than the United States.

4. No costs shall be assessed against either party with respect to any matter predating the entry of this Decree.

5. The Court retains jurisdiction of this action for all purposes.

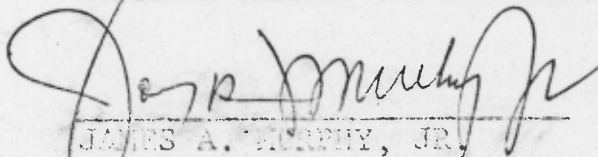
ORDERED this 14th day of May, 1973.

(SGD) RICHARD B. KELLAM

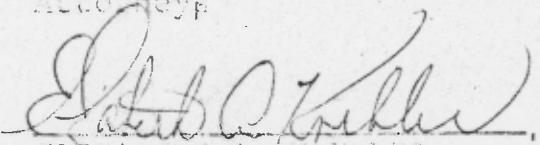
UNITED STATES DISTRICT JUDGE

The undersigned consent
to the entry of this Decree.

FOR THE DEFENDANT
CHARTER REALTY CORPORATION:



JAMES A. MURPHY, JR.
Murphy, Grey, Kent and
Spinks
Attorneys

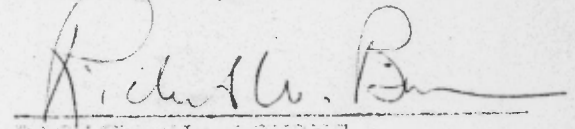


ELIZABETH A. KESSLER
President, Charter Realty,
Corporation

FOR THE UNITED STATES:

(S) Frank E. Schwelb

FRANK E. SCHWELB
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Department of Justice
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RICHARD W. BOURNE
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Washington, D. C. 20530

A TRUE COPY, TESTE:
R. Farley Powers, Jr., Clerk
Deputy Clerk



APPENDIX "A"

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

OFFICE OF THE ASSISTANT SECRETARY
FOR EQUAL OPPORTUNITY

IN REPLY REFER TO

SPECIAL NOTICE

The enclosed reprint, FAIR HOUSING POSTER, is from the Federal Register dated February 16, 1972, and is provided for your information.

These regulations reflect the comments that were invited on previous occasion when proposed in the Federal Register.

Samuel J. Simmons
Assistant Secretary

Enclosure

Rules and Regulations

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

SUBCHAPTER A—FAIR HOUSING

[Docket No. R-72-165]

PART 110—FAIR HOUSING POSTER

The purpose of this regulation is to require the display of a fair housing poster by persons subject to sections 804-806 of the Civil Rights Act of 1968 and to prescribe the content of this poster.

Notice of a proposed amendment to Title 24 to include a new Part 72 was published in the Federal Register on August 4, 1971 (36 F.R. 14336). (Under the reorganization of Title 24 published in the Federal Register on December 22, 1971 (36 F.R. 24402), the fair housing poster will become new Part 110.) Comments were received from approximately 20 interested persons and organizations and consideration has been given to each comment.

Some comments with respect to proposed § 72.10 criticized the coverage of the proposed regulation as too broad, while other comments objected that the coverage is too narrow, and various suggestions were made for changes in coverage. Comments were directed not only to what dwellings should be included but also to the stage at which the requirement should take effect and the persons to whom it should apply. In response to the comments, § 72.10(a) (now § 110.10 (a) and (b)) has been revised to clarify the extent of coverage, to broaden coverage to the extent appropriate and to eliminate unnecessary burden where the requirement can appropriately be narrowed or eliminated. Under § 110.10 (a) and (b), display of the prescribed poster at a single-family dwelling is not required unless the dwelling is being offered for sale or rental in connection with the sale or rental of other dwellings; however if a real estate

broker or agent is handling the sale or rental, he must display the poster at any place of business where the dwelling is being offered for sale or rental. With respect to all other dwellings covered by the Act, the poster must be displayed at any place of business where the dwelling is offered for sale or rental; in addition, the poster must be displayed at the dwelling, except that in the case of a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, e.g., a subdivision, the poster may be displayed at model homes instead of at each of the individual dwellings. Finally, in the case of dwellings other than a single-family dwelling not being offered for sale or rental in conjunction with the sale or rental of other dwellings, the poster must be displayed from the beginning of construction through the end of the sale or rental process.

Several comments suggested revisions in the language of the poster described in proposed § 72.25. Such suggestions included rewriting the poster in terms of the individual's rights rather than the Act's prohibitions, adding additional prohibitions contained in the Act, emphasizing the nature of penalties for failure to post, and listing the HUD area office instead of the regional office as a location to which to send complaints. The new § 110.25 adopts the suggestion with regard to the area offices in that the poster will provide for insertion of the address of the regional or area office as appropriate. It has been decided that instead of lengthening the content of the poster by adding additional prohibitions, the poster should be made shorter and easier to understand by briefly highlighting the major prohibitions. In addition, the Equal Housing Opportunity logo and slogan have been inserted at the top of the poster.

A comment by the Federal Home Loan Bank Board (FHLBB) recommended exempting from this regulation any person subject to a regulation of the FHLBB requiring that person to post a poster substantially similar in content to the poster described in HUD's regulation. A similar comment was made by the Board of Governors of the Federal Reserve System with respect to entities subject to supervision by any of the four Federal financial regulatory agencies. The Department will authorize a person subject to the jurisdiction of a Federal financial regulatory agency to utilize a poster prescribed in a regulation of such agency, and approved by the Department, instead of the poster prescribed by HUD. However, all of the other requirements of Part 110 will remain fully applicable regardless of whatever sanctions the regulatory agency prescribes for failure to comply with Part 110. The Department's requirement, set forth in § 110.10(c), that financial institutions post and maintain a fair housing poster will not be effective until May 1, 1972, in order to allow time for the Federal financial regulatory agencies to promulgate their regulations. Proposed § 110.24 states that a failure to display the poster as required would be

deemed a discriminatory housing practice, i.e., an act unlawful under sections 804, 805, and 806 of title VIII, and prima facie evidence of a violation of these sections, as applicable. There were comments favoring this provision and a comment stating that such a provision was beyond the Department's authority on the ground that title VIII prescribes the specific acts of discrimination which are unlawful. There was also a comment recommending that failure to comply should subject a person to suspension from eligibility for FHA insurance.

The Department believes that it has the authority to require a fair housing poster, and that proposed § 72.30 does not prescribe a new violation not provided for in title VIII. Rather, the section provides an appropriate evidentiary mechanism for assisting in the determination of whether a violation of title VIII has occurred. For purposes of clarity, the provision has been combined with proposed § 72.35—complaints—into a new § 110.30—Effect of failure to display poster—and the combined text shortened. Under § 110.30, when a person claiming to have been injured by a discriminatory housing practice files a complaint pursuant to Part 105—Fair Housing, a failure to display the required poster shall be deemed prima facie evidence of such practice.

The comment with respect to application of additional sanctions is rejected, since such sanctions as well as others are provided in the Affirmative Fair Housing Marketing Regulations published January 5, 1972 (37 F.R. 75), for failure to make the posting required at FHA project sites by § 200.620(f) of that regulation. Although Part 110 is applicable to some persons who are not covered by the Affirmative Fair Housing Marketing regulations, the Department considers that the insertion in Part 110 of the sanctions proposed in the comment is not appropriate.

Accordingly, a new Part 110 is added to Title 24 to read as follows:

Subpart A—Purpose and Definitions

- Sec.
- 110.1 Purpose.
- 110.5 Definitions.

Subpart B—Requirements for Display of Poster

- 110.10 Persons subject.
- 110.15 Location of posters.
- 110.20 Availability of posters.
- 110.25 Description of posters.

Subpart C—Enforcement

- 110.30 Effect of failure to display poster.

Authority: The provisions of this part are based upon section 804 of the Department of Housing and Urban Development Act of 1968 (42 U.S.C. 805(d)).

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 section 804-806 of the Civil Rights Act of 1968, 42 U.S.C. 805-806.

§ 110.5 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 801, 805, or 806 of title VIII.

(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 bankruptcy, receivers and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "Fair housing poster" means the poster prescribed by the Secretary for display by persons subject to sections 804-806 of the Civil Rights Act of 1968.

(h) "The Act" means title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

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

Subpart E—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, 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 shall be posted and maintained at the model dwelling instead of at each of the individual dwellings.

(3) With respect to those dwellings to which subparagraph (ii) of this paragraph 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:

(i) On vacant land, or

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

(a) 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

(b) 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 the Financing of Housing, shall post and maintain a fair housing poster at all their places of business which participate in the financing of housing.

(d) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business.

§ 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 financial assistance or brokerage services in connection therewith as contemplated by sections 804-806 of the Act.

§ 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.

§ 110.25 Description of posters.

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



We Do Business in Accordance With the Federal Fair Housing Law

Under the Civil Rights Act of 1968

IT IS ILLEGAL

TO DISCRIMINATE AGAINST

ANY PERSON BECAUSE OF RACE,

COLOR, RELIGION, OR NATIONAL ORIGIN

• In the sale or rental of housing or residen-

cial facilities

• In advertising the sale or rental of housing.

- In the financing of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

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

U.S. Department of Housing and Urban Development, Assistant Secretary for Equal Opportunity, Washington, D.C. 20110

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.

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.

Effective date. This part shall be effective February 25, 1972, except for § 110.10(c) which shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

[FR Dec 72 2262 Filed 2-15-72; 2:45 am]

Notice of Statement of Policy

A number of comments indicated that human models or Equal Opportunity advertisements can and have been used selectively to promote the development of a fully developed new section. A new section C, in fact, exists in order to meet this specific problem. The previous human models section has been clarified by revision and reorganization in the new section C, in light of comments which indicated confusion or uncertainty surrounding the use of human models.

preference, limitation or reservation.

The copyright in the work shall belong to the author, artist, photographer, designer, or other person who has created the work, and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any inserted or display advertisement with respect to the use or rental of a dwelling by the owner or his agent, in compliance with the requirements of title VIII.

2. Selective use of human models. The inactive characteristics of the majority of human models primarily in relation to one racial or ethnic element in a population that is not homogeneous.

plementary advertising campaign that is directed at other groups, or the use by a developer of racially mixed models to advertise one of the developments and not others.

C. Policy and practices guidelines. The following guidelines are offered as suggested methods of assuring equal opportunity in real estate advertising:

1. **Guidelines for use of logotype, statement, or slogan.** All advertising of residential real estate for sale or rent can contain an Equal Housing Opportunity logotype, statement or slogan as a means of educating the home-seeking public that the property is available to all persons regardless of race, color, religion, or national origin. Table 1 (see appendix) indicates suggested sizes for the use of the logotype. In all space advertising which is less than 4 column inches of a page in size, the Equal Housing Opportunity slogan should be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, or national origin. Alternatively, 3-5 percent of the advertisement copy may be devoted to a statement of the equal housing opportunity policy of the owner or agent. Table 2 (see appendix) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

2. **Guidelines for use of human models.** Human models in photographs, drawings, or other graphic techniques may be used to indicate racial inclusiveness. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing both majority and minority groups in the metropolitan area. Models, if used, should indicate to the general public that the housing is open to all without regard to race, color, religion, or national origin, and is not for the exclusive use of one such group.

3. **Guidelines for notification of Fair Housing Policy.** (a) **Employers.** All publishers of advertisements, advertising agencies, and firms engaged in the sale or rental of real estate should provide a printed copy of their nondiscriminatory policy to each employee and officer.

(b) **Clients.** All publishers of advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous place wherever persons come to place advertising and should have copies available for all firms and persons using their advertising services.

(c) **Publisher's notice.** All publishers are encouraged to publish at the beginning of the real estate advertising section a notice such as that appearing in Table 3 (see appendix).

Effective date. This statement of policy shall be effective May 1, 1968.

Samuel J. Simmons,
Assistant Secretary
for Equal Opportunity.

APPENDIX

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for display advertising:

TABLE I

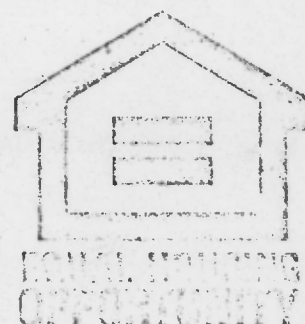
A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. If other logotypes are used in the advertisement, then the Equal Housing Opportunity logotype should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used. In all instances, the type should be bold display face and no smaller than 8 points.

Approximate size of advertisement	Size of Logotype in inches
1/2 page or larger	2 x 2.
1/2 page up to 1/2 page	1 x 1.
4 column inches to 1/2 page	1/2 x 1/2.
Less than 4 column inches	(1).

¹Do not use.

TABLE II.—ILLUSTRATIONS OF LOGOTYPE, STATEMENT, AND SLOGAN

Equal Housing Opportunity logotype.



Equal Housing Opportunity statement:

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion or national origin.

Equal Housing Opportunity slogan:
"Equal Housing Opportunity."

TABLE III.—ILLUSTRATION OF PUBLISHER'S NOTICE

Publisher's Notice:

All notices are published in this newspaper or in subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination."

It is the policy of this newspaper to accept no advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

[FR Dec 72-1693 Filed 1-31-72;8:45 am]

APPENDIX "C"

1. Bullock Realty and Insurance Co.
1900 Portsmouth Boulevard
Portsmouth, Virginia
2. Maurice Collette Inc.
721 East Brambleton Avenue
Norfolk, Virginia
3. Charles R. Foxx Realty
711 Windsor Avenue
Norfolk, Virginia
4. W. Johnson Real Estate
2744 Virginia Beach Boulevard
Norfolk, Virginia
5. W. T. Mason & Company
716 East Brambleton Avenue
Norfolk, Virginia
6. Simon T. Mitchell Real Estate
1017 Church Street
Norfolk, Virginia
7. Pearson & Pearson Realty
1814 Frederick Boulevard
Portsmouth, Virginia
8. Charles D. Robbins
124 South Birdnick Road
Virginia Beach, Virginia
9. H. M. Rollins Realty
1620 Church Street
Norfolk, Virginia
10. Herbert L. Skinner
1642 Atlantic Avenue
Chesapeake, Virginia
11. George C. Small, Jr., Real Estate
2815 Oak Street
Portsmouth, Virginia
12. Thomas Terry
725 East Princess Anne Road
Norfolk, Virginia

APPENDIX "D"

Dear

As you may know, Charter Realty Corp., is a real estate firm operating throughout the Norfolk metropolitan area. Within our area, our firm provides the full range of brokerage services, including the ability and willingness to cooperate with other real estate brokers in arranging sales of properties listed with us to buyers produced by them.

This letter is to advise you that Charter Realty is committed to a strict policy and practice of nondiscrimination in the housing market, and wants to improve housing opportunities for all persons without regard to race, color, religion or national origin. Should you have prospects you believe might be interested in homes we might have, please feel free to contact one of our agents to solicit information about what is available and to make appropriate arrangements for showing or purchasing these homes.

Sincerely,

ELIZABETH A. KOEBLER
President
Charter Realty Corp.

APPENDIX "E"

EQUAL HOUSING OPPORTUNITY FORM

The purpose of this form is to ensure that all purchasers are given an equal opportunity to inspect and purchase any home within their price range presently listed by CHARTER REALTY, in accordance with the FEDERAL FAIR HOUSING LAW.

The undersigned acknowledges that he has been advised and understands that it is CHARTER REALTY'S POLICY not to steer or guide any purchaser only to areas in which members of his race reside, on account of race or color, and that in addition to property advertised CHARTER REALTY has available listings of other homes for sale in all sections of the NORFOLK METROPOLITAN AREA.

CHARTER REALTY has made all of its listings available for inspection by me. I understand that upon my request, CHARTER REALTY will be pleased to arrange appointments for me to see any of the homes it has available.

Agent: _____
Date : _____

APPENDIX "T"

INFORMATION SHEET NO. 1

1. Agent: _____
2. Name of Seller: _____ Race: _____ Date Listed: _____
3. Address of Listing: _____ Neigh'd. _____ City: _____

4. Source of Contact (Check one or more):

Mail Solicit ☐ Phone Solicit ☐ Personal Solicit ☐

Old Customer ☐ Friend ☐ Relative ☐ Phone ☐ Floor Duty ☐

Walk-in Floor Duty ☐ Referred by _____

Sign at _____ Ad in _____ Other _____

5. Racial Composition of Area (Circle one): W I B
6. Was house Advertised With Equal Opportunity Realtor Slogan?

Check one Yes _____ No _____

7. Was house multiple listed? (Check one) Yes _____ No _____

If not explain _____

8. Listing Price: _____ Methods of Financing Acceptable
(Check one or more) Conventional ☐ FHA ☐ VA ☐

9. Persons Shown by Charter:

NAME	RACE	AGENT	DATE

10. Persons Shown by Others:

NAME OF FIRM	AGENT	DATE

11. Date contract signed _____ 12. Date of closing _____

13. Sales Price _____ 14. Method of Financing _____

15. Buyer's Name _____

Agent's Signature _____

APPENDIX "C"

INFORMATION SHEET NO. 2 (Please use ink)

Agent: _____

1. Name: _____ Phone: Home: _____
 Office: _____
 Race: _____

2. Current Address: _____

3. Place of Employment: _____

4. Source of Initial Contact (Check one or more): Phone Floor Duty ☐
 Walk-in Floor Duty ☐ Assigned ☐ Old Customer ☐ Friend ☐
 Relative ☐ Sign at _____ Advertisement in _____
 Open House at _____ Other _____

5. Financing Desired _____ Price Range Desired _____

No. of Bedrooms _____ Special Feature Desired _____

6. Location - Influencing Factors (Check one or more):

☐ Employment Proximity ☐ Schools
☐ Family Proximity ☐ Public Transportation
☐ Shopping Area Proximity ☐ Others (Explain) _____

7. Homes Shown:

Address	Neigh'd.	City	Price	Time Date	Listing Broker	Area Sq. Ft.	Details (Buyer's Reaction)	

8. Current Status of Prospect:

(a) Open and Active: _____ (b) Open but Inactive: _____
 Reason: _____ (c) Closed (complete number 9)

9. Disposition if Closed:

(a) Address _____ City _____
 (b) Selling Price _____ Down Payment _____
 (c) Means of Financing _____ Date of Closing _____
 (d) Selling Agent (if different) _____

10. If prospect is white and only shown homes in predominantly white areas explain.

11. If prospect is black and only shown homes in areas of minority concentration, explain.

 Agent's Signature

APPENDIX H

Solicitation Form

Agent: _____

Date	Address (Phone Solicitation add Name and Phone Number)	Neighborhood	W	I	N	Method