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BOOK NO MESSAGE HANDLING INSTRUCTIONS

FROM: DA WASHDC //DAPE-HRC-CH//

TO: ALL HOLDERS OF INITIAL DISTRIBUTION OF AR 210-51  
AND AR 600-18

UNCLAS

SUBJ: INTERIM CHANGE TO AR 600-18

1. THIS INTERIM CHANGE IS BEING DISTRIBUTED THROUGH PUBLICATIONS PINPOINT DISTRIBUTION SYSTEM TO ALL HOLDERS OF AR 210-51 AND AR 600-18 IN ACCORDANCE WITH DA FORM 12-9A BLOCK.

2. EFFECTIVE UPON RECEIPT PARAGRAPH 2-2C, AR 600-18, 19 NOVEMBER 1973, IS CHANGED AS FOLLOWS: ADD THE FOLLOWING AS PARAGRAPH 2-3 AND RENUMBER EXISTING PARAS FROM 2-3, 2-4 AND 2-5 TO 2-4, 2-5 AND 2-6:

2-3. REMOVAL OF RESTRICTIVE SANCTIONS:

A. RESTRICTIVE SANCTIONS MAY BE REMOVED UNDER THE FOLLOWING CIRCUMSTANCES:

{1} A WAIVER TO LIFT THE RESTRICTIVE SANCTIONS PRIOR TO THE 180 CALENDAR DAY MINIMUM MAY BE APPROVED BY HQDA. IT IS RECOGNIZED THAT UNDER UNUSUAL AND/OR EXCEPTIONAL CIRCUMSTANCES E.G. THE DISCRIMINATORY ACT WAS THE SINGLE ACTION OF THE MANAGER AND THE OWNER HAS A NONDISCRIMINATORY RENTAL, THE OWNER FORBADE THE

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C. T. CARTER, GS-13  
DAPE-HRC-CH, 53120, 21 SEP 77

RELEASER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE # & DATE  
P. E. RESA, LTC, GS, DAPE-HRC-CH, 53149

SIGNATURE *P. E. Resa*

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BOOK

MESSAGE HANDLING INSTRUCTIONS

DISCRIMINATORY PRACTICE, THE OWNER RELIEVED THE AGENT OF DUTIES, ETC.

FROM:

THE LIFTING OF THE 180 CALENDAR DAY MINIMUM RESTRICTIVE SANCTIONS MAY

TO:

BE CONSIDERED. REQUEST FOR A WAIVER OF THE 180 CALENDAR DAY MINIMUM MUST BE SUBMITTED THROUGH THE MACOM TO HQDA, ATTN: DAPE-HRC-CH

AND INCLUDE:

{A} ACTIONS TAKEN BY THE AGENT TO CORRECT THE SITUATION.

{B} A WRITTEN ASSURANCE OF NONDISCRIMINATION FROM THE AGENT

CONCERNED.

{C} AFFIRMATIVE ACTIONS TAKEN BY THE AGENT TO INSURE A FUTURE NONDISCRIMINATORY POLICY.

{D} OTHER FACTS RELATING TO THE SITUATION, E.G. NUMBER OF MINORITIES CURRENTLY RESIDING IN THE FACILITIES, NUMBER OF UNITS, ETC.

{E} IMPACT ON THE PROGRAM IN THE CIVILIAN AND MILITARY COMMUNITIES IF THE RESTRICTIVE SANCTIONS ARE/ARE NOT REMOVED PRIOR TO THE 180 CALENDAR DAY MINIMUM.

{2} UPON THE EXPIRATION OF A MINIMUM OF A 180 CALENDAR DAYS A WRITTEN ASSURANCE IS RECEIVED FROM THE AGENT CONCERNED. THE ACTION TO OBTAIN THE WRITTEN ASSURANCE WILL DEPEND UPON THE LOCAL

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<p>SITUATION AND MAY BE INITIATED BY THE AGENT CONCERNED OR BY  <b>FROM:</b>            INSTALLATION OFFICIALS. THE COMMANDERS FINAL DETERMINATION TO REMOVE  <b>TO:</b>            THE RESTRICTIVE SANCTIONS WILL BE BASED ON THE RECEIPT OF THE            WRITTEN ASSURANCE, KNOWLEDGE OF THE SITUATION AND ONGOING ACTIONS            REGARDING THE INITIAL COMPLAINT WHICH WOULD INDICATE THE AGENTS            COMPLIANCE/NONCOMPLIANCE WITH THE PROGRAM.</p> <p>{3} THE COMMANDER WILL INFORM THE HRO, EQUAL OPPORTUNITY OFFICE,            THE OFFICE OF INFORMATION, AND THE AGENT IN WRITING OF THE REMOVAL            FROM RESTRICTIVE SANCTIONS. APPROPRIATE CHANGES WILL BE MADE TO THE            RESTRICTIVE SANCTIONS LIST.</p>											
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ARMY REGULATION }  
No. 600-18

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 19 November 1973

## PERSONNEL—GENERAL

## EQUAL OPPORTUNITY IN OFF-POST HOUSING

Effective 1 January 1974

*This revision consolidates AR 600-4 with AR 600-18. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued by major Army commands reporting directly to HQDA, a copy of each will be furnished to HQDA (DAPE-HRR); other commands will furnish one copy of each to the next higher headquarters.*

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\* This regulation supersedes AR 600-4, 30 October 1968, including all changes; AR 600-18, 17 December 1969, including all changes; DA letter AGAM-P(M) (21 Feb 66) DCSPER-PSD, 25 February 1966, subject: Off-Base Equal Opportunity Status Report (Reports Control Symbol DD-M(A)704); DA letter DSCPER-DACH, 6 February 1970, subject: Equal Opportunity for Military Personnel in Off-Post Housing to CONARC; and rescinds Reports Control Symbol DD-M(A) 704 and DD-M(Q)756; DA message DCSPER-SARD 111748Z Mar 71 (U), subject: Interim Change to AR 600-18; DA message DAPE-MPC 122000Z Nov 71 (U), subject: Interim Change to AR 600-18; DA message DAPE-MPD-P 072010Z Feb 73 (U), subject: Housing Referral Office (HRD) Procedures; DA message DAPE-HRR 151450Z Mar 73 (U), subject: Interim Change to AR 600-18, Change 1; DA message 251800Z Apr 73 (U), subject: Interim Change to AR 600-18, Change 2; DA message DAPE-HRR 171412Z Aug 73 (U), subject: Interim Change to AR 600-18, Change 3.

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## CHAPTER 1 GENERAL

**1-1. Purpose.** The purpose of this regulation is to—

*a. Promote equal opportunity in off-post housing for Army personnel and for Department of Defense personnel under Army jurisdiction.*

*b. Implement DOD Instruction 1100.16, February 28, 1973.*

*c. Provide for processing complaints of discrimination in housing—*

*(1) To the commander in areas in which the laws of the United States do not apply; and*

*(2) To the commander, to the Department of Justice, and to the Department of Housing and Urban Development in areas in which the laws of the United States do apply.*

**1-2. Applicability.** This regulation applies to—

*a. Army personnel.*

*b. Personnel of the other Services who are attached to or under the operational control of Army installation commanders and who are authorized to live off post.*

*c. DOD personnel who are under Army jurisdiction in areas in which the laws of the United States do not apply and who are authorized to live off post.*

*d. Members of Army Reserve components authorized to live off post when serving on active duty, active duty for training, or full-time training duty for 30 days or more.*

**1-3. Explanation of terms.**

*a. Agent.* Real estate agency, manager, broker, landlord, or owner of a housing facility doing business with DOD personnel, or a housing referral officer.

*b. Commander.* The military or civilian head of any installation, organization, or agency of DOD.

*c. Commuting area.* The area designated by the commander as being within reasonable commuting time of a DA installation or activity.

*d. Discrimination.* The act of refusing to rent or to sell on the same terms as to others

a housing facility because of the race, color, religion, national origin, or sex of the prospective purchaser or lessee.

*e. Owner.* Real estate agency, manager, broker, agent, landlord, or owner of a housing facility doing business with DOD personnel or a housing referral officer.

*f. Restrictive sanctions.*

(1) The actions taken by a commander to prohibit applicable personnel from—

*(a) Entering into a new rental lease or purchase agreement with an owner who has been found to have discriminated; or*

*(b) Moving into any house, apartment, or other abode, the owner of which has been found to have discriminated.*

(2) These sanctions are not applicable to personnel who are residing in a housing facility at the time the restriction is imposed, or to those extending or renewing a rental or lease agreement originally entered into prior to the imposition of the restrictive sanctions.

*g. Verifiers.* Volunteers (not necessarily prospective tenants) who assist a commander in conducting an investigation after a complaint has been registered, to determine if housing discrimination is being practiced as alleged.

**1-4. Policy.** *a.* The Department of the Army is committed to equal opportunity for all, regardless of race, color, religion, national origin, or sex. This commitment encompasses the equal opportunity to obtain off-post housing.

*b.* The commander should insure that those under his jurisdiction are not discriminated against. He should investigate any suspected discriminatory act, whether or not a formal complaint is filed, and should, when discrimination is found, require its elimination or impose restrictive sanctions. Verifiers may be used by commanders when complaints have been filed against an owner or agent.

*c.* No member of the Army will obtain off-post housing without first reporting to the housing referral office at the installation to

which he is assigned and obtaining confirmation that the housing he proposes to obtain is not under restrictive sanctions. Relocation of a tenant within a facility under restrictive sanctions is not authorized without written approval of the commander.

*d.* If adequate off-post housing as defined in chapter 5 of AR 210-50 cannot be obtained by one discriminated against after a time period comparable to that required by one not discriminated against, the local commander may consider this sufficient reason to justify priority for the complainant in obtaining military housing, if he is otherwise eligible, or for compassionate reassignment of the complainant.

**1-5. Command responsibility.** The installation or activity commander will—

*a.* Develop a program to combat discrimination in off-post housing.

*b.* Insure that appropriate officers are available to advise personnel concerning their rights under the provisions of this regulation and

under the laws of the United States (42 USC 1982, 3601-19, 3631). (See app A.)

*c.* Review and revise, as necessary, off-post housing procedures to insure their adequacy. (See also app B.)

*d.* Develop an information program to enlighten subordinates of their rights under the provisions of this regulation and under the laws of the United States.

*e.* Communicate to the public in the area around his installation the Army's policies concerning equal opportunity in off-post housing.

*f.* Insure that subordinates comply with any restrictive sanctions imposed.

*g.* Insure that all assignment orders for personnel governed by this regulation, including TDY orders in excess of 30 days, contain the following statement in the special instructions paragraph: "You are required to report to the family housing/housing referral office serving your new duty station before you make housing arrangements for renting, leasing, or purchasing any off-post housing."

## CHAPTER 2

### PROCEDURES

**2-1. Requirements for listing.** *a.* Listings of off-post housing maintained at Army installations or agencies will include only those for which the housing referral office has on file properly documented assurances of nondiscrimination against personnel on the basis of race, creed, color, national origin, or sex. The existence of Federal, State, or local open-housing laws does not eliminate the requirement for such assurances.

*b.* When an owner refuses to provide an assurance of nondiscrimination in writing but asserts that the facility is open on a nondiscriminatory basis, the property may be listed as though a written assurance has been given, provided the commander or his designee signs and files with the housing referral office a statement that the owner has given an explicit oral assurance that housing is available to all personnel on a nondiscriminatory basis.

*c.* When there is reason to believe that a particular owner discriminates in spite of an oral or written assurance to the contrary, the sincerity of the assurance will be promptly and carefully investigated. Reason to believe discrimination exists may be inferred from practices as such as—

(1) Quoting higher sales or rental prices to members of one ethnic, religious, or sexual group as compared to those quoted to members of a different group.

(2) Informing the member of such a group of exaggerated racial or religious prejudice or hostility in the area to discourage his purchasing or renting.

(3) Explaining under the guise of "complete honesty" with the prospective buyer, exaggerated shortcomings, failures, and poor features (real or fabricated) of the housing to discourage a member of such a group from purchasing or renting.

(4) Falsely informing a member of such a group that the house or apartment was just sold or rented or is no longer available.

**2-2. Inquiry.** *a.* Upon receipt of a complaint

of discrimination, an officer or civilian official designated by the commander will, within 3 working days, begin an inquiry into the complaint. The inquiry may be informal but will be sufficiently detailed to indicate whether unlawful discrimination exists. Processing at installation level required in accordance with the provisions of this regulation will be completed within 20 working days following the filing of the complaint, subject to an extension by the commander of not more than 10 working days if he determines that further efforts to obtain voluntary assurances are likely to be successful during the extended period. The provisions of AR 15-6 do not apply to this inquiry.

*b.* The following actions will be initiated during the conduct of the inquiry—

(1) The owner will be notified of the inquiry and offered the opportunity to submit matters in his behalf.

(2) The person conducting the inquiry will seek advice from a Judge Advocate so that all reasonably available relevant and material evidence may be obtained.

(3) The investigating officer will prepare a report of inquiry, including a summary of evidence. Copies of each statement obtained during the inquiry will be appended to the evidentiary summary. The summary of evidence will include factors regarding the credibility of witnesses and other information which might facilitate a review of the evidence obtained.

(4) The report will be reviewed for completeness by a Judge Advocate. When possible, this review will be performed by a Judge Advocate other than one who provided guidance to the person conducting the inquiry. A statement that such a review was conducted, any necessary explanatory remarks, and information known to the command concerning pending complaints (if any) with respect to the same, competing, or closely related dwellings, will be signed by the officer performing the review and made a part of the record.

(5) Following completion of the legal review and efforts to secure voluntary assurances of nondiscrimination in cases in which the complaint is substantiated by the evidence, the commander will add a memorandum analyzing the following:

(a) Impact of the discrimination upon personnel and their dependents at the facility involved.

(b) Efforts to obtain voluntary assurances and the results.

(c) Other considerations the commander considers relevant.

c. If the inquiry supports the complainant's charge of discrimination, the commander will impose restrictive sanctions on the owner for not less than 180 days. The commander will notify the owner that the restrictive sanctions will apply to all housing facilities owned or operated by him. Notification will include the effective date and nature of the restriction, the reasons, and the corrective action required of the owner for removal of the restriction at the completion of the period for which it was imposed. This notification will be in writing (unless this is not possible because the agent is not present at the housing facility) and will be dispatched in time to reach the owner or agent prior to its effective date.

d. If the inquiry does not support the complainant's charge of discrimination, the complainant will be—

(1) Informed of the result.

(2) Advised of his rights to pursue further actions through the Department of Housing and Urban Development, the Department of Justice, and the courts (para 2-3 and app A).

(3) Offered any assistance by the Department of the Army, which is authorized by law in pursuing these courses of action.

e. A copy of inquiry reports that do not substantiate allegations of housing discrimination will be kept on file at the installation for 24 months.

f. No action in response to a complaint made pursuant to the provisions of this regulation may be terminated by a commander unless one of the following conditions is met:

(1) A satisfactory assurance is obtained with respect to ending the discrimination alleged in the complaint or revealed in the course of inquiry and the complainant is notified.

(2) The report of inquiry and all attachments are dispatched as prescribed in paragraph 2-4.

(3) Each person signing the complaint submits a written request that the complaint be withdrawn.

g. A termination of a complaint by a commander will not affect any restrictive sanctions imposed.

h. Whenever the commander receives more than one complaint alleging discrimination in the same dwelling, development, or project, the complaints may be consolidated for the purposes of the inquiry, the legal review, and the commander's memorandum.

### **2-3. Supplementary provisions for complaints of discrimination occurring within the United States or its territories or possessions.**

a. In addition to actions required under the provisions of this regulation, the commander will, with the concurrence of the complainant in substantiated cases of alleged discrimination occurring within the United States or its territories or possessions, send the original and two copies each of the report of inquiry, the Judge Advocate's statement, the commander's memorandum, the complaint, and a chronology sheet (app C) to the Department of Housing and Urban Development, Washington, DC 20510. An information copy will be dispatched to HQDA (DAPE-HRR) Washington, DC 20310.

b. A complaint must be filed with the Department of Housing and Urban Development within 180 days after the occurrence of the alleged discriminatory housing practice on which it is based. A complaint will be forwarded prior to the completion of the preliminary inquiry and subsequent procedures, if such action becomes necessary to insure that the complaint is filed within the 180-day period.

c. Appropriate officers (para 1-5b) will explain to one who is aggrieved by alleged discrimination occurring within the United States or its territories or possessions his right in

lieu of the proceedings prescribed in paragraphs 2-2 and 2-3 to submit a complaint directly to the Department of Housing and Urban Development if he so wishes.

(1) A complaint to the Department of Housing and Urban Development will be made on HUD Form 903. The form will be completed in at least four copies, dated, signed by the complainant, and notarized.

(2) Copies of HUD Form 903 are available from the nearest regional office of HUD or by writing to the Department of Housing and Urban Development, Washington, DC 20510.

d. The commander will also forward two copies of the report of inquiry and all attachments directly to HQDA (DAJA-LT), Washington, DC 20310. This office will review the report and forward a copy and any comments to the Attorney General of the United States.

e. Title 42 United States Code, section 3613 authorizes the Attorney General to bring civil actions in the Federal courts whenever there is reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of fair housing rights, or whenever the denial of rights to any group of persons raises an issue of general public importance. Commanders are to cooperate fully with Department of Justice representatives in any matter related to such a civil action.

**2-4. Reports of investigation.** a. Whenever an inquiry substantiates a complaint of discrim-

ination, the commander will forward a report through channels to HQDA (DAPE-HRR), Washington, DC 20310, for transmission to the Assistant Secretary of Defense (Manpower and Reserve Affairs). The report will summarize the practices giving rise to the complaint, the commander's efforts to obtain assurance concerning future practices, the results of these efforts, and the action taken by the commander with respect to the owner against whom the complaint was made.

b. Whenever the commander receives a complaint alleging discrimination in a facility on which a previously completed complaint action has been forwarded, he will send the following to the owner and to HQDA (DAPE-HRR) WASH, DC 20530:

(1) Summary of the facts relating to the subsequent complaint.

(2) Brief comments indicating the extent to which the new complaint and information developed affects the earlier action. In addition, when paragraph 2-3 of this regulation is applicable, this information, together with a copy of the complaint, will be forwarded to the Department of Housing and Urban Development and to the Department of Justice, Civil Rights Division, Wash, DC 20530.

**2-5. Cooperation with governmental agencies.** Commanders will cooperate fully with other governmental agencies investigating alleged housing discrimination complaints. The provisions of AR 27-40 apply.

**APPENDIX A**  
**APPLICABLE STATUTES**

**42 United States Code, Section 1982. Property rights of citizens.**

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

**Title 42 U.S. Code,**  
**Chapter 45**  
**Subchapter I**

3601. Declaration of policy. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

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 bankruptcy, 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 3604, 3605, or 3606 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.

3603. Effective dates of certain prohibitions. (a) Application to certain described dwellings. Subject to the provisions of subsection (b) of this section and section 3607 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 3604 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) Exemptions. Nothing in section 3604 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 3604 (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) Same; business of selling or renting dwellings defined. 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.

3604. Discrimination in the sale or rental of housing. As made applicable by section 3603 of this title and except as exempted by sections 3603 (b) and 3607 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, 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, 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, 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, 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, or national origin.

3605. Discrimination in the financing of housing. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3603 (b) of this title.

3606. Discrimination in the 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, organizations 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, or national origin.

3607. Religious organization or private club exemption. 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.

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) Delegation of authority: appointment of hearing examiners; location of conciliation meetings; administrative review.

The Secretary may delegate any of his functions, duties, and powers 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 persons 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, 3355, 5362, and 7521 of Title 5. 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 hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(c) Cooperation of Secretary and executive department 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 in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(d) Functions of Secretary. The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of dis-

crimnatory 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;

(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; and

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

3609. Education and conciliation; conferences and consultations; reports. Immediately after April 11, 1968, the Secretary shall commence such education 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.

3610. Enforcement. (a) Person aggrieved; complaint; copy; investigation; informal proceedings; violations of secrecy; penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c) of this section, the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence

in a subsequent proceeding under this subchapter without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) Complaint; limitations; answer; amendments; verification. A complaint under subsection (a) of this section shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Notification of State or local agency of violation of State or local fair housing law; commencement of State or local law enforcement proceedings; certification of circumstances requisite for action by Secretary. Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this subchapter, the Secretary shall notify the appropriate State or local agency of any complaint filed under this subchapter which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

(d) Commencement of civil actions; State or local remedies available; jurisdiction and venue; findings; injunctions; appropriate affirmative orders. If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c) of this section, the Secretary has been unable to obtain voluntary compliance with this subchapter, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this subchapter, insofar as such rights relate to the subject of the complaint: *Provided*, That no such civil action may be brought in any United States district court if the person aggrieved had judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discrimination housing practices which are substantially equivalent to the rights and remedies provided in this subchapter. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent

resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 3612 of this title, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Trial of action; termination of voluntary compliance efforts. Whenever an action filed by an individual in either Federal or State court, pursuant to this section or section 3612 of this title, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

3611. Evidence. (a) Investigations; access to records, documents, and other evidence; copying; searches and seizures; subpoenas for Secretary; interrogatories; administration of oaths.

In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however,* That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

(b) Subpoenas for respondent. Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Compensation and mileage fees of witnesses. Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witness in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(d) Revocation or modification of petition for subpoena; good reasons for grant of petition. Within five days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) Enforcement of subpoena. In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement 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.

(f) Violations; penalties. 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 in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(g) Attorney General to conduct litigation. The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.

3612. Enforcement by private persons. (a) Civil action; Federal and State jurisdiction; complaint; limitations; continuance pending conciliation efforts; prior bona fide transactions unaffected by court orders. The rights granted by sections 3603, 3604, 3605, and 3606 of this title may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State and local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: *Provided, however,* That the court shall continue such civil case brought pursuant to this section or section 3610 (d) of this title from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however,* That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

(b) Appointment of counsel and commencement of civil actions in Federal or State courts without payment of fees, costs, or security. Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or

subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

(c) Injunctive relief and damages; limitations; court costs; attorney fees. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided*, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

3613. Enforcement by the Attorney General; issues of general public importance; civil action; Federal jurisdiction; complaint; preventive relief. 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 subchapter, or that any group of persons has been denied any of the rights granted by this subchapter and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this subchapter.

3614. Expedition of proceedings. Any court in which a proceeding is instituted under section 3612 or 3613 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

3615. Effect on State laws. Nothing in this subchapter shall be construed 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.

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.

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 3603, 3604, 3605, or 3606 of this title. This section may be enforced by appropriate civil action.

3618. Authorization of appropriations. These are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

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.

## SUBCHAPTER II

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 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 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 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.

**APPENDIX B**  
**CHECKLIST FOR COMMANDERS**

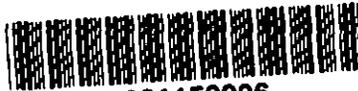
1. Are newly assigned personnel informed of the requirements of the equal opportunity in off-post housing program prior to obtaining housing information?
2. Is there an effective equal opportunity in off-post housing information program?
3. Are community resources being used to support the equal opportunity in off-post housing information program?
4. Are housing discrimination complaints being expeditiously processed?
5. Are complainants being informed, in writing, of the results of investigations?
6. Are housing surveys being conducted periodically to obtain new listings?
7. Are restrictive sanctions being imposed immediately for a minimum of 180 days on agents found to be practicing discrimination?
8. Are the services of command representatives offered to accompany and assist applicants in their search for housing?
9. Are housing referral office and equal opportunity personnel sensitive to the problems of minority personnel?
10. Are timely and accurate equal opportunity in off-post housing reports being submitted?
11. Are DOD personnel being informed of restrictive sanctions?

**APPENDIX C**  
**CHRONOLOGY SHEET**

Complaint of Unlawful Discrimination

1. Name of installation.
2. Name(s) and grade(s) of complainant(s).
3. Type of housing facility involved.
4. Efforts to obtain voluntary compliance were (successful) (partially successful) (unsuccessful).
5. Legal review indicates that a remedy may exist under—
6. Chronology of processing:
  - A. Complaint filed:
  - B. Report of inquiry initiated:
  - C. Report of inquiry completed:
  - D. Voluntary compliance efforts initiated:
  - E. Voluntary compliance efforts completed:
  - F. Statement of legal officer completed:
  - G. Commander's memorandum completed:
  - H. Forwarded:

(Signature block)



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By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS  
*Major General, United States Army*  
*The Adjutant General*

CREIGHTON W. ABRAMS  
*General, United States Army*  
*Chief of Staff*

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