# **Index**

#### ABSTENTION

Local judicial proceeding, abstention of Fair Housing Act claim for, 12B:5

#### ACCESS

Brokerage services, Federal Fair Housing Act § 3606 access, 19:1, 19:2

#### ACCOMMODATIONS

Federal Fair Housing Act, **11D:8** Handicap/disability, **11D:5** 

# ACTUAL DAMAGES LIABILITY

Direct court actions, 25:8

# **ADDICTION**

Handicap, definition of, 11D:2

# ADMINISTRATIVE LAW JUDGE DECISIONS

Generally, **App. E**Section 3612 administrative proceeding, **24:21** 

### ADMINISTRATIVE PROCEDURE ACT

Litigation, generally, **31:1 et seq.** Section 3608 suits, **21:1 to 21:7** 

# ADMINISTRATIVE PROCEEDINGS

Complaints to Housing and Urban Development (HUD) (this index)

# ADVERTISEMENTS, NOTICES, AND STATEMENTS

Generally, **15:1 et seq.**Amendments, **15:12, 15:13**Civil Rights Act of 1866, **27:11** 

# ADVERTISEMENTS, NOTICES, AND STATEMENTS

—Cont'd

Constitutionality, for sale sign ordinances and other local restrictions on housing advertisements, **15:13** 

Content, selective use of, **15:6** Covenants, restrictive, **15:11** 

Discriminatory advertising, generally, **15:2** to **15:7** 

Evidence, standard of proof, **15:1** First Amendment, **15:12**, **15:13** 

For sale sign ordinances, 15:13

HUD advertising guidelines, 15:3

Human model cases, 15:6

Hunter case, 15:3

Indicators, use of, 15:5

Internet cases, discriminatory advertisements, **15:7** 

Local restrictions, constitutionality, **15:13** 

Media, selective use of, **15:6** Notices, generally, **15:8 to 15:11** 

Ordinances, for sale sign, 15:13

Racial steering, 15:10

Restrictive covenants, 15:11

Section 3604(c), discriminatory advertisements

Generally, 15:1 et seq.

HUD guidelines, 15:3

Hunter case, 15:3

Types of advertisements

prohibited

Generally, 15:4 to 15:7

Indicators, use of, 15:5

Internet cases, 15:7

Miscellaneous discriminatory practices, 15:7

# ADVERTISEMENTS, NOTICES, AND STATEMENTS

-Cont'd

Section 3604(c), discriminatory advertisements—Cont'd Types of advertisements prohibited—Cont'd Selective use of content or media, human model cases, 15:6

Selective use of content or media, **15:6** 

Standard of proof, **15:1**Statements, generally, **15:8 to 15:11** 

Steering, racial, 15:10

# ADVERTISING, LOCAL RESTRICTIONS

On housing advertising Constitutionality, **15:13** 

# AFFIRMATIVE DUTIES

Federal Housing Programs and Affirmative Duties (this index)

#### AFFIRMATIVE RELIEF

Direct court actions, 25:16

#### AGE DISCRIMINATION

State and local fair housing laws, protection under, **30:3**State immunity, abrogation of, **12B:6** 

### **AGENTS**

Evidence, incriminating statements by defendants and their agents, 32:3

Federal Fair Housing Act, proper parties, 12B:2

#### **AIDS**

Handicap, AIDS as within definition, **11D:2** 

# ALCOHOLICS AND ALCOHOLISM

Handicap, alcoholism as within definition, **11D:2** 

### ALIENAGE DISCRIMINATION

Section 1981 claims, 27:25

#### **AMENDMENTS**

Advertisements, notices, and statements, **15:12**, **15:13**Civil Rights Act of 1866, **27:26**Federal Fair Housing Amendments Act of 1988, **5:3**, **5:4** 

# Fifth and Fourteenth Amend-

ments (this index)

First Amendment, **15:12**, **15:13** Fourteenth Amendment, constitutionality of Fair

Housing Act under, 6:2

Thirteenth Amendment, **6:1**, **27:26**Title VIII of Civil Rights Act of 1968, **App. A** 

### AMERICANS WITH DISABILITIES ACT

Generally, 29:3

### **AMICUS CURIAE**

Generally, 31:6

# ANCESTRY DISCRIMINATION

State and local fair housing laws, protection under, 30:3

#### **ANSWER**

HUD, complaints to, 24:4

### ANTI-INJUNCTION ACT

Direct court actions, 25:13

# APPEAL AND REVIEW

Generally, 31:13

Defendant, 33:13

Section 3612 administrative proceeding, **24:22**, **24:23** 

# APPLICANT CHARACTERISTICS

Financing and related transactions, discrimination in home loans and other financial assistance, 18:3

# APPLICANT SELECTION **INQUIRIES**

Federal Fair Housing Act, handicap discrimination, 11D:4

### **APPORTIONMENT**

Direct court actions, 25:8

#### APPRAISALS

# Financing and Related Transactions (this index)

Traditional discrimination and otherwise make unavailable techniques, 13:15

#### ARBITRATION

As substitute for litigation in fair housing case, 31:1

#### **ARTICLE III**

Proper parties, 12A:3

### ATTORNEY GENERAL

Generally, 26:1 et seq.

Attorneys' fees and costs, 26:10

Civil penalties, 26:9

Conciliation breach cases, 26:13

Damages, 26:8

Enforcement, generally, 26:1 et seq.

Equitable relief, 26:7 Federal Fair Housing Act enforce-

ment. See entries throughout this topic

General public importance. Pattern or practice and general public importance cases, infra

Land-use cases, 26:12

Monetary damages and other appropriate relief, 26:8

Pattern or practice and general public importance cases

Generally, 26:2 et seq.

Attorneys' fees and costs, 26:10

Civil penalties, 26:9

Equitable relief, 26:7

General public importance cases, generally, 26:4

### ATTORNEY GENERAL—Cont'd

Pattern or practice and general public importance cases —Cont'd

Monetary damages and other appropriate relief, 26:8

Pattern or practice cases, generally, **26:3** 

Procedures in cases, 26:5

Relief, generally, 26:6 et seq.

Penalties, 26:9

Referred cases, 26:11 to 26:13

Section 3610, relationship to, 26:1

Section 3611, relationship to, **26:1** 

Section 3612, relationship to, 26:1

Section 3613, relationship to, 26:1

Section 3614(c) enforcement of subpoenas, 26:14

Section 3614(b) HUD-referred cases, 26:11 to 26:13

Section 3614(a). Pattern or practice and general public importance cases, supra

Subpoenas, 26:14

Zoning and other land-use cases, 26:12

#### **ATTORNEYS**

Fees. Attorneys' Fees and Costs (this index)

Forms, App. D

# ATTORNEYS' FEES AND COSTS

Generally, 25:17 et seq.

Attorney general, **26:10** 

Civil Rights Act of 1866, 27:24

Court costs, 25:29

Defendants, prevailing, 25:18

Determining amount of fee award, 25:19

Entitlement standards. 25:18

Federal Fair Housing Act of 1968 restrictions, 25:17

Mixed-result cases, 25:18

Plaintiffs, prevailing, 25:18

Prevailing defendants, 25:18

# ATTORNEYS' FEES AND

COSTS—Cont'd

Prevailing plaintiffs, **25:18**Section 1988, relationship to, **25:17** 

### BENIGN DISCRIMINATION

Federal Fair Housing Act, race, color, and national origin, 11A:2

#### BLOCKBUSTING

Federal Fair Housing Act § 3604(e), **17:1 to 17:3** 

### **BONA FIDE OFFER**

Traditional discrimination and otherwise make unavailable techniques, 13:3

### **BONA FIDE PURCHASERS**

Section 3616, equitable relief, **25:13** 

### **BROKERING**

Financing and Related Transactions (this index)

### **BURDEN OF JUSTIFICATION**

Traditional discrimination and otherwise make unavailable techniques, 13:13

#### **BURDEN OF PROOF**

Generally, **32:1** Federal Fair Housing Act, **10:5** 

#### **CATALYST THEORY**

Attorneys' fees, theory as justifying award, **25:18** 

#### **CAUSATION**

Fair Housing Act cases, 12A:3

# CERTIFICATES AND CERTIFICATION

Complaints to Housing and Urban Development (HUD), **24:9**, **24:10** 

#### **CHILDREN**

Discrimination, 11E:1 et seq., 14:2

### CITIZENSHIP REQUIREMENT

Section 3604(a), condemnation, **13:16** 

### **CIVIL PENALTIES**

Attorney general, 26:9

#### **CIVIL RIGHTS ACT OF 1866**

Generally, 27:1 et seq.

Advertising, notices, and statements, **27:11** 

Amendment, Thirteenth, 27:26

Attorney's fees and costs, 27:24

Coercion, **27:12** 

Compensatory damages, 27:23

Construction and interpretation, **27:3** 

Damages, 27:23

Defendants, potential, 27:4

Equitable relief, 27:22

Evidence, standards of proof, **27:19** 

Exclusionary zoning and other land-use restrictions, **27:8** 

Fair Housing Act, independence of, **27:2** 

Fair housing organizations and testers, 27:17

Family members, 27:16

Financing discrimination, 27:10

Indirect victims, 27:18

Insurance discrimination, 27:10

Intent, 27:19

Interference, 27:12

Jones v. Alfred H. Mayer Co., **27:1** 

Land-use restrictions, 27:8

Language of Section 1982, 27:3

Limitations of actions, 27:21

Minority homeseekers and homeowners, **14:3**, **27:15** 

Negotiate, refusal to, 27:5

Potential defendants, 27:4

#### **CIVIL RIGHTS ACT OF 1866 CIVIL RIGHTS ACT OF 1964** —Cont'd Generally, 29:2 Procedures and relief Congressional intent in Fair Hous-Generally, 27:20 et seq. ing Act, analogy with, 7:4 Attorney's fees and cost, 27:24 Discrimination, 3:4 Damages, compensatory and Governmental housing discriminapunitive, **27:23** tion, 21:1 Equitable relief, 27:22 Title VI, text, App. B Statute of limitations, 27:21 **CIVIL RIGHTS ACT OF 1968** Protected classes, 27:3 Generally, 29:2 Public housing discrimination, Title VIII, App. A 27:9 Punitive damages, 27:23 **CLASS ACTIONS** Racial steering, 27:7 Generally, 31:7 Rent, refusal to, 27:5 COERCION, INTIMIDATION, Retaliation, 27:12 THREATS, AND Section 1982, generally, 27:2 et INTERFERENCE seq. Generally, 20:1 et seq. Section 1981 claims, 27:25 Acts against persons who have Sell, refusal to, 27:5 aided or encouraged others in Services as discriminatory, 27:6 exercising §§ 3603-3606 Standards of proof, 27:19 rights, 20:4 Standing to sue Acts against persons who have Generally, 27:14 et seq. exercised §§ 3603-3606 Fair housing organizations and rights, **20:3** testers, 27:17 Civil Rights Act of 1866, 27:12 Family members, 27:16 Criminal cases under § 3631, rela-Minority homeseekers and tionship to, 20:1 homeowners, 27:15 Federal Fair Housing Act § 3617, White plaintiffs and other 20:5 indirect victims, 27:18 Federal Fair Housing Act § 3631, Steering, racial, 27:7 20:1 Terms and conditions, discrimina-Federal Fair Housing Act §§ 3603tory, **27:6** 3606, 20:3, 20:4 Testers, 27:17 First Amendment considerations. Text, App. B 20:6 Thirteenth Amendment claims, Retaliation and other § 3617 viola-27:26 tions, 20:5 Victims, indirect, 27:18 COLLATERAL ESTOPPEL White plaintiffs and other indirect victims, 27:18 Generally, 31:15 Zoning, exclusionary, 27:8 COLOR **CIVIL RIGHTS ACT OF 1871** Federal Fair Housing Act (this Text, App. B index)

### **COMMERCE CLAUSE**

Fair Housing Act, constitution basis, **6:1** 

#### **COMMERCIAL SPEECH**

Section 3604(c), discriminatory advertisements, **15:12**Section 3604(e), blockbusting, **17:2, 17:3** 

### **COMPENSATORY DAMAGES**

Civil Rights Act of 1866, 27:23

#### **COMPLAINTS**

**Pleading** (this index)

# COMPLAINTS TO HOUSING AND URBAN DEVELOPMENT (HUD)

Generally, 24:1 et seq.

Administrative proceedings. Section 3612 administrative proceeding, infra

ALJ's decision, 24:21

Answer, 24:4

Appeal and review, 24:22, 24:23

Certification, 24:9, 24:10

Change and modification, 24:2

Charge, 24:14

Charge, dismissal or, 24:13

Conciliation, 24:12

Decision of ALJ, 24:21

Discovery, 24:19

Dismissal or charge, 24:13

Election-to-court option, 24:15 to 24:17

Federal Fair Housing Act enforcement. See entries throughout this topic

Federal Fair Housing Act of 1968,

Filing complaint, 24:3 to 24:5

Final decision of ALJ, 24:22

Hearing, 24:20

Investigation, 24:11

Judicial review and enforcement, 24:23

COMPLAINTS TO HOUSING AND URBAN DEVELOPMENT (HUD) —Cont'd

Justice department, referrals to, 24:5

Limitation of actions, 24:6, 24:7 Local agencies, 24:8 to 24:10

1988 Act changes, 24:2

Notices, 24:4, 24:22

Options, 24:15 to 24:17

Parties, 24:3 to 24:5, 24:14

Pleading, 24:19

Post-complaint notices, 24:4

Proper parties, **24:3 to 24:5** 

Reasonable cause, 24:13

Referrals, 24:8 to 24:10

Referrals to Justice Department, 24:5

Respondent's answer, 24:4

Secretary, review by, 24:22

Section 3612 administrative proceeding

Generally, 24:18 et seq.

ALJ's decision, 24:21

Appeal and review, 24:22

Discovery, 24:19

Final decision, 24:22

Hearing, 24:20

Judicial review and enforcement, 24:23

Notification to others, 24:22

Pleading, 24:19

Relief available, **24:21** 

Secretary, review by, 24:22

Section 3613 limitation of actions, **24:7** 

State agencies, 24:8 to 24:10

Substantially equivalent, definition of, **24:9** 

Substantially equivalent state and local agencies, 24:8 to 24:10

Temporary referral procedure for previously certified agencies, **24:10** 

# COMPLAINTS TO HOUSING AND URBAN

DEVELOPMENT (HUD)

-Cont'd

Third persons, notification of, 24:22

### **CONCILIATION**

Attorney general, **26:13** Complaints to Housing and Urban

Development (HUD), **24:12** 

### CONDITIONS AND TERMS

**Terms and Conditions** (this index)

#### CONGRESSIONAL INTENT

Federal Fair Housing Laws (this index)

#### CONSOLIDATION

Rule 65 consolidations, 31:9

# **CONSTITUTIONALITY**

Advertisements, notices, and statements, **15:13** 

Federal Fair Housing Act, **6:1 to 6:3** 

Fifth and Fourteenth Amendments (this index)

# CONSTRUCTION AND INTERPRETATION

Civil Rights Act of 1866, 27:3

# CONSTRUCTION REQUIREMENTS

Federal Fair Housing Act, multifamily housing, **11D:9** 

# **CONTEMPT**

Discovery, 31:10

Section 3614(a), **26:7** 

Section 3613, direct court actions, **25:14** 

Settlements, Rule 68 offers, 31:14

# CONTENT

Selective use of, advertisements, notices, and statements, **15:6** 

#### **CONTRIBUTION**

Liability for damages, 25:8

#### **CORPORATIONS**

Federal Fair Housing Act, proper parties, 12B:3

### **CORROBORATION**

Plaintiff, 33:7

#### COSTS OF ACTION

Attorneys' Fees and Costs (this index)

#### COUNTERCLAIMS

Pleading, 31:3

Section 1982 cases, 26:5

### **COURT ACTIONS**

Section 3613, direct actions under. **Direct Court Actions** (this index)

#### COURT OPTION

**Election-to-Court Option** (this index)

#### **COVENANTS**

Advertisements, notices, and statements, **15:11** 

### **CREDIT**

Equal Credit Opportunity Act, **29:4** 

# CRIMINAL CASES

Coercion, Intimidation, Threats, and Interference, **20:1** 

#### **DAMAGES**

Attorney general, 26:8

Civil Rights Act of 1866, 27:23

Direct court actions

Generally, 25:4

Actual damages liability, **25:5**, **25:8** 

Punitive damages, 25:9 to 25:12

Evidence, proof of damages, 33:7

#### **DEATH**

Class actions, death of representative plaintiff, **31:7** 

### **DECISIONS**

ALJ's decision, 24:21
Hud administrative decisions,
App. E
Supreme Court decisions, 12A:2

#### **DEFAULT JUDGMENT**

Discovery, sanctions, 31:10

# **DEFENDANTS**

**Parties** (this index)

#### **DEFENSES**

Federal Fair Housing Act (this index)

### **DEFINITIONS**

Aggrieved person, 12A:1 Familial status, 11E:2 Handicap, 11D:2 Older persons, 11E:2, 11E:5 Steering, 13:5 Substantially equivalent, 24:9

### **DESIGN REQUIREMENTS**

Federal Fair Housing Act, multifamily housing, **11D:9** 

# DIRECT COURT ACTIONS Generally, 25:1 et seq.

Actual damages liability, 25:8
Affirmative relief, 25:16
Anti-injunction act, 25:13
Apportionment, 25:8
Attorneys' Fees and Costs (this index)
Costs of action. Attorneys' Fees and Costs (this index)
Damages
Generally, 25:4
Actual damages liability, 25:8
Punitive damages, 25:9 to

25:12 Enforcement, generally, 25:1 et seq. DIRECT COURT ACTIONS

—Cont'd

Equitable relief, **25:13 to 25:16** Familial status and handicap cases, **25:7** 

Federal Fair Housing Act enforcement. See entries throughout this topic

Handicap cases, **25:7**Injunctions, **25:13**, **25:15**Injuries, generally, **25:5**Intangible injuries, evaluating, **25:6** 

Limitation of actions, **25:2** § D1,000 limitation, **25:9** Orders, **25:15**, **25:16** 

Permanent and other orders, **25:16**Preliminary injunctions, **25:15**Preliminary relief, **25:15**Punitive damages, **25:9** to **25:12**Section 3614, relationship to, **25:1**Sections 3610-3612, relationship to, **25:1** 

Temporary restraining orders, **25:15** 

Transition cases, 25:3

#### **DIRECTORS AND OFFICERS**

Federal Fair Housing Act, proper parties, 12B:3

#### DIRECT THREAT DEFENSE

Federal Fair Housing Act, handicap discrimination, 11D:3

### **DISABILITY DISCRIMINATION**

Generally, 29:3

# DISCOVERY

Generally, **31:10**Complaints to Housing and Urban
Development (HUD), **24:19**Interrogatories and request for
production of documents,

App. D

# DISCRIMINATORY EFFECT CASES

Federal Fair Housing Act, 10:4 to 10:7, 11E:4

Index-8

# DISCRIMINATORY EFFECT CASES—Cont'd

Traditional discrimination and otherwise make unavailable techniques, **13:10** 

# DISCRIMINATORY INTENT REQUIREMENT

Civil Rights Act of 1866, 27:19

### **DISCRIMINATORY ZONING**

**Exclusionary Zoning** (this index)

#### **DISMISSAL**

Complaints to Housing and Urban Development (HUD), **24:13** 

### **DISPARATE IMPACT CLAIMS**

Federal Fair Housing Act, 10:6

#### **DORMITORIES**

Fair Housing Act, properties covered, **9:2** 

### **DRUG ADDICTION**

Handicap, definition of, 11D:2

# **DRUG OFFENDERS**

Federal Fair Housing Act, 9:7

#### **DUE PROCESS**

Fifth and Fourteenth Amendments (this index)

### **DWELLINGS**

Federal Fair Housing Act (this index)

# **ECONOMIC LOSS**

Damages (this index)

# **EFFECT, DISCRIMINATORY**

**Discriminatory Effect Cases** (this index)

#### **ELDERLY**

Federal Fair Housing Act (this index)

# ELECTION-TO-COURT OPTION

Procedures, 24:15

# ELECTION-TO-COURT OPTION—Cont'd

Procedures and remedies in elected cases, 24:16

Pros and cons of judicial determination, 24:17

Purpose of option, 24:15

# ELEVENTH AMENDMENT

State immunity, 12B:6, 31:5

# EMOTIONAL DISTRESS AND EMOTIONAL INJURIES

Section 3613, direct court actions, **25:4 to 25:6** 

#### **EMPLOYMENT**

Evidence, 32:4

#### **ENFORCEMENT**

Federal Fair Housing Act (this index)

#### ENTITLEMENT STANDARDS

Attorneys' fees and costs, 25:18

# EQUAL ACCESS TO JUSTICE ACT

Fee awards, **12B:7**, **21:7**, **26:10** Text, **App. B** 

# EQUAL CREDIT OPPORTUNITY ACT

Generally, 29:4

#### **EQUAL PROTECTION**

Fifth and Fourteenth Amendments (this index)

### **EQUITABLE RELIEF**

Attorney general, 26:7 Civil Rights Act of 1866, 27:22 Direct court actions, 25:13 to 25:16

# **ESTOPPEL**

Collateral estoppel, 31:15

# ETHNIC DISCRIMINATION

Alienage Discrimination (this index)

# EVICTIONS AND EVICTION POLICIES

Familial status discrimination, 11E:4

Section 3604, terms and conditions, **14:3** 

Traditional discrimination and otherwise make unavailable techniques, **13:16** 

### **EVIDENCE**

Generally, 32:1 et seq.

Advertisements, notices, and statements, **15:1** 

Agency investigations and findings, **32:5** 

Agents, incriminating statements by defendants and their agents, 32:3

Burden of proof, 32:1

Civil Rights Act of 1866, 27:19

Damages, 33:7

Employees and residents of defendant's housing, **32:4** 

Expert witnesses, 32:8

Failure to comply with fair housing regulations, **32:9** 

# Federal Fair Housing Act (this index)

Findings, 32:5

Incriminating statements by defendants and their agents, 32:3

Investigations, 32:5

Residents of defendant's housing, 32:4

Statements by defendants and their agents, **32:3** 

Statistical evidence, 32:7

Testers, 32:2

Traditional discrimination and otherwise make unavailable techniques, 13:11 to 13:14

#### **EXCLUSIONARY ZONING**

Burden of justification, **13:13** Civil Rights Act of 1866, **27:8** 

# **EXCLUSIONARY ZONING**

—Cont'd

Discriminatory-effect cases under Fair Housing Act, **13:10** 

Evidence, 13:11 to 13:14

Fair Housing Act, 13:9, 13:10

Huntington, 13:10

Relief, 13:14

Traditional discrimination and otherwise make unavailable techniques, generally, **13:8 et seq.** 

# **EXECUTIVE ORDER 11063**

Governmental housing discrimination, **3:4, 21:1** 

#### **EXECUTIVE ORDER 12259**

Section 3608, implementation, **21:1** 

#### **EXEMPTIONS**

Federal Fair Housing Act (this index)

# EXHAUSTION OF ADMINISTRATIVE REMEDIES

Fair Housing Act cases, 7:4
Group home cases, 11D:5

# **EXPERT WITNESSES**

Generally, 32:8

# FACILITIES AND SERVICES

55 or over housing, **11E:8** Section 1982, **27:6** Section 3604(b), **14:3** 

#### FAIR HOUSING ACT

Federal Fair Housing Act (this index)

# FAIR HOUSING LAWS

Generally, 1:1

Federal Fair Housing Act (this index)

Local fair housing laws, 3:5, 30:1 to 30:3; App. C

# FAIR HOUSING LAWS—Cont'd State fair housing laws, 3:5, 30:1

to 30:3; App. C

# FAIR HOUSING ORGANIZATIONS AND TESTERS

Civil Rights Act of 1866, **27:17** Defendant, **33:10** 

Havens case and tester claims under § 3604(d), **16:2** 

Plaintiff, **12A:4 to 12A:6**, **33:3** Proper parties, **12A:4 to 12A:6** 

Tester claims, false representations of nonavailability under § 3604(d), **16:2** 

### **FALSE REPRESENTATIONS**

Federal Fair Housing Act § 3604(d), **16:1, 16:2** 

# FAMILIAL STATUS DISCRIMINATION

Generally, **11E:1 et seq., 14:2** Definitions, **11E:5** 

Discriminatory effects, practices with, 11E:4

55 or over housing, **11E:8**Laws prohibiting discrimination, **11E:1** 

Occupancy standards, 11E:3
Prohibitions, 11E:2 et seq.
Protected class, definition, 11E:2
62 or over housing, 11E:7
State programs, 11E:6
Transition rules, 11E:5

#### **FAMILY**

Civil Rights Act of 1866, 27:16 Direct court actions, 25:7

Federal Fair Housing Act (this index)

# **FAMILY MEMBERS**

**Standing To Sue** (this index)

# FEDERAL FAIR HOUSING ACT

Generally, **5:1 to 5:4, 9:1 et seq.**; **App. A** 

# FEDERAL FAIR HOUSING ACT —Cont'd

Access, § 3606 access to brokerage services, 19:1, 19:2

Accommodations, 11D:8

Addiction, 11D:2

# Advertisements, Notices, and Statements (this index)

Agents, 12B:2

Aggrieved person, 12A:1

Amendments Act of 1988, **5:3, 5:4** 

Applicant selection inquiries,

### 11D:4

Article III and statutory requirements in Title VIII cases, 12A:3

# **Attorney General** (this index)

Availability, § 3604(d) false representations of nonavailability, **16:1**, **16:2** 

Benign discrimination, race, color, and national origin, 11A:2

Blockbusting, **17:1 to 17:3** 

Burden of proof, 10:5

# Coercion, Intimidation, Threats, and Interference (this index)

Color. Race, color, and national origin, infra

### Complaints to Housing and Urban Development (HUD) (this index)

Construction requirements for multifamily housing, 11D:9

Corporate officers, directors, and shareholders, 12B:3

Decisions, Supreme Court, **12A:2** Defendants. Proper parties, infra

Defenses. Dwellings, infra

Definitions

Aggrieved person, 12A:1

Handicap, **11D:2** Older persons, **11E:2**, **11E:5** 

Design requirements for multifamily housing, **11D:9** 

**Direct Court Actions** (this index)

Directors and officers, 12B:3

FEDERAL FAIR HOUSING ACT	FEDERAL FAIR HOUSING ACT
—Cont'd	—Cont'd
Direct threat defense, handicap	Evidence
discrimination, 11D:3	Generally, <b>10:1 et seq.</b>
Discriminatory effect cases, 10:4 to 10:7, 11E:4	Burden of proof, 10:5
	Discriminatory effect cases,
Disparate impact claims, <b>10:6</b> Drug offenders, <b>9:7</b>	10:4 to 10:7
Drug offenders, 9:7  Dwellings	Disparate impact claims, <b>10:6</b>
Generally, <b>9:2 et seq.</b>	Intent, violations without
Drug offenders, 9:7	prohibited intent, <b>10:4 to 10:7</b>
Exempted dwellings and other	2000
defenses	Intentional discrimination, 10:2
Generally, <b>9:3 et seq.</b>	Mixed motive cases, 10:3
Drug offenders, 9:7	Perpetuation-of-segregation claims, <b>10:7</b>
Reasonable occupancy stan-	Prima facie case, <b>10:2</b>
dards, <b>9:6</b>	Standards for proving violation
Section 3603(b) exemptions,	generally, <b>10:1 et seq.</b>
9:4	Title VII, <b>10:1</b>
Section 3607(a) exemptions,	Title VIII, <b>10:1, 10:4</b>
9:5	Exemptions
Reasonable occupancy stan-	Dwellings, supra
dards, <b>9:6</b>	Older persons, infra
Section 3603(b) exemptions,	Fair Housing Amendments Act of
9:4	1988, <b>5:3, 5:4</b>
Section 3607(a) exemptions,	False representations, 16:1, 16:2
9:5	Familial status discrimination.
Title VIII, 9:2	Older persons, infra
Elderly. Older persons, infra	Federal governmental defendants,
Enforcement	12B:7
Generally, 23:1 et seq.	55 or over housing, 11E:8
Attorney General (this index)	Financing and Related Transac-
Complaints to Housing and	tions (this index)
Urban Development (HUD) (this index)	First Amendment and § 3604(e),
<b>Direct Court Actions</b> (this	17:3
index)	Governmental defendants, 12B:4
Federal fair housing laws, gen-	to 12B:7
erally, <b>4:5</b>	Group homes, restrictions on, 11D:5
<b>HUD.</b> Complaints to Housing	Handicap defined, 11D:2
and Urban Development	Handicap discrimination
( <b>HUD</b> ) (this index)	<u>*</u>
Sections 3610-3613.	Generally, 11D:1 et seq.
Complaints to Housing	Applicant selection inquiries, 11D:4
and Urban Development	112 ( )
( <b>HUD</b> ) (this index)	Direct threat defense, 11D:3

FEDERAL FAIR HOUSING ACT	FEDERAL FAIR HOUSING ACT
—Cont'd	—Cont'd
Handicap discrimination—Cont'd	Principals, 12B:2
Group homes, restrictions on,	Proper parties
11D:5	Generally, 12:1
Handicap defined, 11D:2	Defendants
Havens case, <b>12A:4</b> , <b>16:2</b>	Generally, 12B:1 et seq.
Hispanics. Race, color, and	Agents, 12B:2
national origin, infra	Corporate officers, directors,
HUD	and shareholders, 12B:3
Complaints to Housing and	Federal governmental
Urban Development	defendants, 12B:7
(HUD) (this index)	Governmental defendants,
Section 3606 access to broker-	12B:4 to 12B:7
age services, 19:2 Insurance, 12B:8	Liability insurance, 12B:8
Integration, race-based programs	Local governmental
promoting, 11A:2	defendants, 12B:5
Intent, 10:2, 10:4 to 10:7	Principals, 12B:2
Legislative history, <b>5:1 to 5:4</b>	State governmental
Liability insurance, 12B:8	defendants, <b>12B:6</b> Plaintiffs
Local governmental defendants,	
12B:5	Generally, <b>12A:1 et seq.</b> Article III requirements in
Mixed motive cases, 10:3	Title VIII cases, 12A:3
Modifications to premises, 11D:7	Definition of aggrieved
Motive, <b>10:3</b>	person, 12A:1
National origin. Race, color, and	Havens case, 12A:4
national origin, infra	Organizations, 12A:4 to
1968 Act, <b>5:2</b>	12A:6
Occupancy, 9:6, 11E:3	Section 3608 suits, <b>12A:7</b>
Officers and directors, 12B:3	Standing to sue, 12A:1
Older persons	Supreme Court decisions,
Generally, 11E:1 et seq.	12A:2
Definitions, 11E:2, 11E:5	Testers, <b>12A:4 to 12A:6</b>
Discriminatory effects, prac-	Protected classes, generally, 11:1
tices with, 11E:4	et seq.
55 or over housing, 11E:8	Race, color, and national origin
Occupancy standards, 11E:3	Benign discrimination, 11A:2
62 or over housing, 11E:7	Claims, <b>11A:1</b>
State programs, 11E:6	Integration, race-based
Transition rules, 11E:5	programs promoting,
Parties. Proper parties, infra	11A:2
Perpetuation-of-segregation	Race-based programs promot-
claims, 10:7	ing integration, 11A:2
Plaintiffs. Proper parties, infra	Racial segregation, 2:3
Prima facie case, 10:2	Starrett City, 11A:2

#### FEDERAL FAIR HOUSING ACT FEDERAL FAIR HOUSING ACT -Cont'd -Cont'd Race, color, and national origin Section 3617 —Cont'd Coercion, Intimidation, Traditional claims, 11A:1 Threats, and Interference (this index) Race-based programs promoting integration, 11A:2 Retaliation and other § 3617 violations, 20:5 Reasonable occupancy standards, 9:6 Section 3631, **20:1** Religion, 11B:1 Section 1988, relationship to, 25:17 Section 3603, 9:4, 20:3, 20:4 Section 3604(a) and (f)(1). Section 3604 **Traditional Discrimination** Blockbusting, 17:1 to 17:3 and Otherwise Make Coercion, intimidation, threats, **Unavailable Techniques** and interference, 20:3, (this index) 20:4 Section 3514(a). Attorney Gen-False representations of eral (this index) nonavailability, **16:1**, **16:2** Section 3607(a) exemptions, 9:5 Terms and conditions, 14:1 to Senior citizens. Older persons, 14:3 supra **Traditional Discrimination** Sex discrimination and sexual and Otherwise Make harassment **Unavailable Techniques** Generally, 11C:1 (this index) Sexual harassment claims, Section 3605 11C:2 Generally, 20:3, 20:4 Shareholders, 12B:3 **Financing and Related** 62 or over housing, 11E:7 **Transactions** (this index) Special provisions, 11D:6 to 9 Section 3606, 19:1, 19:2, 20:3, Standards, 10:5 20:4 Standards for proving violation. Section 3608 Evidence, supra Generally, 12A:7 Standards of occupancy, 11E:3 **Federal Housing Programs** Standing to sue, 12A:1 and Affirmative Duties (this index) Starrett City, race, color, and national origin, 11A:2 Section 3610, 25:1, 26:1 State governmental defendants, Section 3611, 25:1, 26:1 12B:6 Section 3612 State programs, 11E:6 Generally, 25:1, 26:1 Substantive coverage, generally, Complaints to Housing and 9:1 et seq. **Urban Development** Supreme Court decisions, 12A:2 (HUD) (this index) Testers, 12A:4 to 12A:6, 16:2 Section 3613, 24:7, 26:1 Title VII, 10:1 Section 3614, 25:1, 26:11 to 26:14 Title VIII, 9:2, 10:1, 10:4, 12A:3

# FEDERAL FAIR HOUSING ACT —Cont'd

Traditional claims, race, color, and national origin, 11A:1

Traditional discrimination and otherwise make unavailable techniques, 13:9, 13:10

Transition rules, 11E:5

# FEDERAL FAIR HOUSING ACT OF 1968

Generally, 5:2

Attorneys' fees and costs, **25:17** Complaints to Housing and Urban Development (HUD), **24:2** 

# FEDERAL FAIR HOUSING ACT OF 1988

Complaints to Housing and Urban Development (HUD), **24:2** 

# FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988

Generally, 5:3, 5:4

### FEDERAL FAIR HOUSING LAWS

Generally, **4:1 et seq.** 

Amendments

Fair Housing Amendments Act of 1988, **5:3**, **5:4** 

Fourteenth Amendment, **6:2** Thirteenth Amendment, **6:1** 

Congressional intent and statutory construction

Generally, 7:1 et seq.

Broad construction, 7:2

HUD interpretations and regulations, **7:5** 

Integration, 7:3

Title VII, 7:4

Trafficante case, 7:1

Constitutionality, 6:1 to 6:3

Construction. Congressional intent and statutory construction, supra

Enforcement provisions, 4:5

# FEDERAL FAIR HOUSING LAWS—Cont'd

Fair Housing Act, **5:1 to 5:4**Constitutionality, **6:1 to 6:3** 

# Federal Fair Housing Act (this index)

Federal Fair Housing Amendments Act of 1988, **5:3**, **5:4** 

Fourteenth Amendment, constitutionality of Fair Housing Act under, **6:2** 

General provisions, 4:3

HUD interpretations and regulations, **7:5** 

Integration, 7:3

Intent. Congressional intent and statutory construction, supra

Statutory construction. Congressional intent and statutory construction, supra

Substantive provisions, **4:4, 5:3** 

Thirteenth Amendment, constitutionality of Fair Housing Act under, **6:1** 

Title VII, 7:4

Trafficante case, 7:1

# FEDERAL GOVERNMENTAL DEFENDANTS

Federal Fair Housing Act, proper parties, 12B:7

# FEDERAL HOUSING PROGRAMS AND AFFIRMATIVE DUTIES

Generally, 21:1 et seq.

HUD-funded housing authorities, segregation and discrimination in, 21:4

HUD-funded projects in minority areas, 21:3

HUD's failure to influence local governments, 21:5

Local government, 21:5

Minority areas, 21:3

Relief in litigation, 21:7

#### FEDERAL LAWS

Generally, App. B

#### **FEES**

Attorneys' Fees and Costs (this index)

# FIFTH AND FOURTEENTH AMENDMENTS

Generally, 28:1 et seq.

Constitutionality, generally, 6:2

Due process

Government-supported housing, discrimination in, **28:7** 

Land-use restrictions, 28:3

Enforcement and relief, 28:10

Equal protection

Land-use restrictions, 28:2

Non-racial claims, 28:6

Racial discrimination in tenant and site selection, 28:5

Government-supported housing, discrimination in, 28:4 to 28:7

Land use restrictions, **28:2**, **28:3** Municipal services, discriminatory, **28:8** 

Racial discrimination in tenant and site selection, **28:5** 

Section 1983, enforcement and relief, **28:10** 

Section 1985(3), enforcement and relief, **28:10** 

Section 1986, enforcement and relief, **28:10** 

Services, municipal, 28:8

Site selection, racial discrimination in tenant and, **28:5** 

State action requirement, 28:1

Tenant and site selection, racial discrimination in, **28:5** 

Text, App. B

# **55 OR OVER HOUSING**

Federal Fair Housing Act, 11E:8

# FINANCING AND RELATED TRANSACTIONS

Generally, 18:1

Applicants, characteristics of, discrimination based on, **18:3** 

Appraising. Selling, brokering, or appraising residential real property, infra

Brokering. Selling, brokering, or appraising residential real property, infra

Characteristics of applicants, discrimination based on, **18:3** 

Characteristics of neighborhood, discrimination based on, **18:4** 

Civil Rights Act of 1866, 27:10

Conditions or terms, **18:5** 

Discrimination in home loans and other financial assistance

Generally, 18:2

Applicants, characteristics of, **18:3** 

Appraising. selling, brokering, or appraising residential real property, infra

Brokering, selling, brokering, or appraising residential real property, infra

Characteristics of applicants, **18:3** 

Characteristics of neighborhood, **18:4** 

Discriminatory vs. nondiscriminatory appraising, **18:8** 

Mortgages, secondary, **18:6**Neighborhood characteristics, **18:4** 

Redlining, 18:4

Secondary mortgages, 18:6

Selling. selling, brokering, or appraising residential real property, infra

Terms or conditions, 18:5

Mortgages, secondary, 18:6

Redlining, 18:4

Secondary mortgages, 18:6

# FINANCING AND RELATED TRANSACTIONS—Cont'd

Selling, brokering, or appraising residential real property

Generally, 18:7

Discriminatory vs.

nondiscriminatory appraising, **18:8** 

Federal Fair Housing Act § 3606 access to brokerage services, 19:1, 19:2

Prohibited practices, **18:8** Terms or conditions, **18:5** 

#### **FINDINGS**

Agency investigations and findings, **32:5** 

### FIRST AMENDMENT

Advertisements, notices, and statements, **15:12**, **15:13** 

Coercion, intimidation, threats, and interference, **20:6** Federal Fair Housing Act

§ 3604(e), **17:3** 

#### **FORMS**

Attorney's, App. D

#### FOR SALE SIGN

Ordinances, 15:13

#### **FORUM**

Choosing, litigation tip for plaintiff, **33:4** 

# FOURTEENTH AMENDMENT Fifth and Fourteenth Amend-

ments (this index)

#### **FUTILE GESTURE DOCTRINE**

Generally, **10:2**, **11D:5**In group home cases, **11D:5** 

### GENDER DISCRIMINATION

Sex Discrimination and Sexual Harassment (this index)

# GENERAL PUBLIC IMPORTANCE

**Attorney General** (this index)

# GOVERNMENTAL DEFENDANTS

Proper parties, 12B:4 to 12B:7

# GOVERNMENT-SUPPORTED HOUSING

Fifth and fourteenth amendments, 28:4 to 28:7

#### **GROUP HOMES**

Federal Fair Housing Act, handicap discrimination, 11D:5

#### HANDICAP DISCRIMINATION

Definition of handicap, 11D:2
Direct court actions, 25:7
Disability discrimination, 29:3
Federal Fair Housing Act (this index)

#### HATE CRIMES

First Amendment defense, **20:6** Standing to sue, **31:4** 

### HAVENS CASE

Federal Fair Housing Act, 12A:4, 16:2

# **HEALTH AND SAFETY**

Handicap discrimination, exemption under § 3604(f)(9) for direct threat to health and safety, 11D:3, 11D:5

# **HEARING**

Complaints to Housing and Urban Development (HUD), § 3612 administrative proceeding, 24:20

#### **HISPANICS**

Federal Fair Housing Act (this index)

#### HIV

**AIDS** (this index)

# HOMELESS SHELTERS

Fair Housing Act, coverage of, 9:2

#### **HOME LOANS**

Discrimination. **Financing and Related Transactions** (this index)

Financing and Related Transactions (this index)

# HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Generally, 29:5

# HOUSING AND URBAN DEVELOPMENT (HUD)

Administrative decisions, **App. E**Advertising, **15:3 et seq.**Applicant selection inquiries, **11D:4** 

Attorney general, 26:11 to 26:13 Authority for regulations, 7:5 Blockbusting, 17:1, 17:2 Brokerage services, 19:2 Brokerage services, § 3606 access to, 19:2

# Complaints to Housing and Urban Development (HUD) (this index)

Congressional intent, **7:5**Exclusionary zoning, **13:8**Failure to influence local governments, **21:5** 

Familial status discrimination, 11E:1 et seq., 14:2

55 and over housing, **11E:8** Homeowners, current, **14:3** 

HUD-funded housing authorities, segregation and discrimination in, 21:4

HUD-funded projects in minority areas, 21:3

Insurance redlining, 13:15
Interpretations and regulations,
7:5

Nonavailability, false representations of, **16:1**, **16:2** 

Notices and statements, discriminatory, **15:8 to 15:11** 

# HOUSING AND URBAN DEVELOPMENT (HUD) —Cont'd

Occupancy standards, **9:6**, **11E:3** Race, color, and national origin, **14:2** 

Reasonable cause, determination of, **24:13** 

Redlining, 13:15

Regulations. **HUD Regulations** (this index)

Retaliation, 20:5

Section 3604(a), miscellaneous practices, **13:16** 

Services and facilities, 14:3

Sexual harassment, 14:3

62 and over housing, 11E:7

Steering, 13:6

Terms and conditions, **14:2**Traditional discrimination and otherwise make unavailable techniques, **13:6** 

#### HOUSING AUTHORITIES

HUD-funded housing authorities, segregation and discrimination in, **21:4** 

# HOUSING FOR OLDER PERSONS

Federal Fair Housing Act (this index)

# HUD

Housing and Urban Development (HUD) (this index)

### **HUMAN MODEL CASES**

Advertisements, notices, and statements, **15:6** 

#### **HUNTER CASE**

Advertisements, notices, and statements, **15:3** 

### **HUNTINGTON**

Traditional discrimination and otherwise make unavailable techniques, **13:10** 

#### INDEX

### **IMMUNITY FROM SUIT**

Section 1983, **12B:5** 

**Sovereign Immunity** (this index)

#### **IMPACT, DISPARATE**

**Discriminatory Effect Cases** (this index)

# INCRIMINATING STATEMENTS

Defendants and their agents, 32:3

#### **INDEMNIFICATION**

Liability for damages, 25:8

#### **INDICATORS**

Advertisements, notices, and statements, **15:5** 

#### INDIRECT VICTIMS

Civil Rights Act of 1866, 27:18

### **INJUNCTIONS**

Anti-Injunction Act, **25:13** Preliminary injunctions, **25:15** 

### **INJURIES**

Damages (this index)

# INJURY-IN-FACT REQUIREMENT

Standing, Fair Housing Act cases, 12A:2, 12A:5

# **INSURANCE**

Civil Rights Act of 1866, **27:10**Federal Fair Housing Act, **12B:8**Liability insurance, **12B:8**Traditional discrimination and

otherwise make unavailable techniques, 13:15

#### **INSURERS**

**Insurance** (this index)

# INTANGIBLE INJURIES

Actual damages liability, **25:8** Direct court actions, **25:6** 

#### **INTEGRATION**

Federal Fair Housing Act, racebased programs promoting, 11A:2

Federal fair housing laws, 7:3

#### INTENT

Civil Rights Act of 1866, **27:19** Federal Fair Housing Act, **10:2**, **10:4 to 10:7** 

Federal Fair Housing Laws (this index)

#### INTEREST

Monetary awards, interest on, 25:3

#### **INTERFERENCE**

Coercion, Intimidation, Threats, and Interference (this index)

### **INTERROGATORIES**

**Discovery** (this index)

#### INTERVENTION

Justice Department actions, 26:1, 26:5

Litigation procedure, 31:6
Private action, intervention by
Justice Department, 26:11
Rule 19, 31:6

#### INTIMIDATION

Coercion, Intimidation, Threats, and Interference (this index)

#### INVESTIGATION

Agency investigations and findings, **32:5** 

Complaints to Housing and Urban Development (HUD), **24:11** 

# JONES V. ALFRED H. MAYER CO.

Civil Rights Act of 1866, 27:1

#### **JUDGMENT**

Summary judgment, 31:11

# JUDGMENT, OFFER OF

Offer of Judgment (this index)

#### JUDICIAL REVIEW

Section 3612 administrative proceeding, **24:23** 

# **JURISDICTION**

Generally, 31:1

### **JURY TRIAL**

Generally, **31:8** Defendant, **33:12** Plaintiff, **33:5** 

**Seventh Amendment** (this index)

#### JUSTICE DEPARTMENT

Attorney General (this index) Referrals to, complaints to Housing and Urban Development (HUD), 24:5

#### JUSTIFICATION

Traditional discrimination and otherwise make unavailable techniques, **13:13** 

### KERNER COMMISSION REPORT

As part of Fair Housing Act's legislative history, **5:2**, **10:4** 

# LAND-USE

Attorney general, **26:12**Civil Rights Act of 1866, **27:8 Exclusionary Zoning** (this index)

#### **LANGUAGE**

Civil Rights Act of 1866, 27:3

# LEGISLATIVE HISTORY

Federal Fair Housing Act, **5:1 to 5:4** 

#### LIABILITY

**Defendants** (this index)

Section 3613

Actual damages, liability for, 25:8

Punitive damages, liability for, **25:11** 

# LIABILITY INSURANCE

Federal Fair Housing Act, 12B:8

# LIMITATION OF ACTIONS

Generally, 31:2

Civil Rights Act of 1866, 27:21 Complaints to Housing and Urban Development (HUD), 24:6, 24:7

Direct court actions, 25:2

### LITIGATION

Generally, **31:1 et seq.**; also see other entries throughout this index

### LITIGATION TIPS

Generally, 33:1 et seq.

### **LOCAL AGENCIES**

Complaints to Housing and Urban Development (HUD), **24:8 to 24:10** 

# LOCAL FAIR HOUSING LAWS

Generally, **30:1 to 30:3 App. C**Before 1968, **3:5** 

#### LOCAL GOVERNMENT

Federal Fair Housing Act, proper parties, 12B:5

HUD's failure to influence, 21:5

#### **LOCAL LAWS**

For sale sign ordinances, 15:13

# MAKE UNAVAILABLE TECHNIQUES

Traditional Discrimination and Otherwise Make Unavailable Techniques (this index)

### **MARITAL STATUS**

Equal Credit Opportunity Act, protection under, **29:4** 

Fair Housing Act, marital status as not covered, 11:1

State and local fair housing laws, protection under, 11:1, 30:2, 30:3

# **MEDIA**

Selective use of, advertisements, notices, and statements, **15:6** 

#### MILITARY SERVICE STATUS

State and local fair housing laws, protection under, **30:3** 

#### MINORITY AREAS

HUD-funded projects in, 21:3

# MINORITY HOMESEEKERS AND HOMEOWNERS

Civil Rights Act of 1866, **14:3**, **27:15** 

#### MIXED MOTIVE CASES

Federal Fair Housing Act, 10:3

### **MIXED-RESULT CASES**

Attorneys' fees and costs, 25:18

# MOBILE HOMES AND MOBILE HOME PARKS

Fair Housing Act, properties covered, **9:2**Familial status discrimination, **11E:1 et seq.** 

#### MODIFICATION OR CHANGE

Complaints to Housing and Urban Development (HUD), **24:2** Federal Fair Housing Act,

Federal Fair Housing Act, modification of premises, 11D:7

#### MONETARY DAMAGES

Attorney general, 26:8

#### **MOOTNESS**

Generally, 31:12

# **MORTGAGE**

Financing and related transactions, 18:6

Redlining, 13:15

#### **MOTIVE**

Federal Fair Housing Act, 10:3

# MRS. MURPHY EXEMPTION

Fair Housing Act, § 3603(b) exemption, **4:4, 9:4, 15:12** 

# **MULTIFAMILY HOUSING**

Federal Fair Housing Act, design and construction requirements, 11D:9

### MUNICIPAL SERVICES

Fifth and fourteenth amendments, **28:8** 

# NATIONAL ENVIRONMENTAL POLICY ACT

HUD-funded projects in minority areas, 21:3

#### **NATIONAL ORIGIN**

Federal Fair Housing Act (this index)

# NEGOTIATE, REFUSAL TO

Civil Rights Act of 1866, 27:5
Traditional discrimination and otherwise make unavailable techniques, 13:2

# NEIGHBORHOOD CHARACTERISTICS

Financing and related transactions, **18:4** 

# **NEW PARTIES**

Generally, 31:6

#### NEWSPAPERS

Advertisements, Notices, And Statements (this index)

### 1968, DISCRIMINATION PRIOR TO

Generally, 3:1 to 3:5

#### NOTICES

# Advertisements, Notices, and Statements (this index)

Complaints to Housing and Urban Development (HUD) Post-complaint notices, 24:4

# **OCCUPANCY STANDARDS**

Federal Fair Housing Act, 9:6, 11E:3

# OFFER OF JUDGMENT

Rule 68 offers, 31:14

### **OFFICERS AND DIRECTORS**

Federal Fair Housing Act, 12B:3

### **OLDER PERSONS**

Federal Fair Housing Act (this index)

#### \$1,000 LIMITATION

Direct court actions, 25:9

#### **ORDERS**

Direct court actions, 25:16

### **ORDINANCES**

Advertisements, notices, and statements, **15:13** 

#### **ORGANIZATIONS**

Plaintiff, 12A:4 to 12A:6, 33:3

### OTHERWISE MAKE

UNAVAILABLE TECHNIQUES

Traditional Discrimination and Otherwise Make Unavailable Techniques (this index)

### PARTIALLY PREVAILING PLAINTIFFS

Attorneys' fees and costs, 25:18

#### **PARTIES**

Complaints to Housing and Urban Development (HUD), **24:3 to 24:5, 24:14** 

Defendants

Generally, 31:5

Appeal and review, 33:13

Attorneys' fees and costs, 25:18

Civil Rights Act of 1866, 27:4

Evidence, 32:3, 32:4, 32:6,

32:9

Jury trial, 33:12

Litigation tips, generally, 33:9

et seq.

Settlement, 33:13

Testers, 33:10

### PARTIES—Cont'd

Defendants-Cont'd

Traditional discrimination and otherwise make unavailable techniques, **13:13** 

# $\label{eq:Federal Fair Housing Act} \textbf{ (this }$

index)

New parties, 31:6

Plaintiffs

Generally, 31:4

Attorneys' fees and costs, 25:18

Corroboration, 33:7

Damages, 33:7

Evidence, 33:7

# Federal Fair Housing Act (this

index)

Jury trial, 33:5

Litigation tips, generally, 33:2

et seq.

Records, 33:8

Tester, use of, 33:3

Time records, 33:8

Traditional discrimination and otherwise make unavailable techniques, 13:12

Proper parties

Complaints to HUD, **24:3 to 24:5** 

Federal Fair Housing Act (this index)

**Standing to Sue** (this index)

# PATTERN OR PRACTICE

**Attorney General** (this index)

### **PENALTIES**

Attorney general, 26:9

### PERMANENT INJUNCTIONS

Direct court actions, 25:16

### PERMANENT ORDERS

Direct court actions, 25:16

# PERPETUATION OF SEGREGATION CLAIMS

Federal Fair Housing Act, 10:7

#### INDEX

#### **PLAINTIFFS**

Parties (this index)

# **PLEADING**

Generally, 31:3

Complaints to Housing and

**Urban Development (HUD)** (this index)

Counterclaims, 31:3

### **PRECLUSION**

Private action, Justice Department suit, **26:8** 

Res judicata and collateral estoppel, **31:15** 

#### PRE-1968 DISCRIMINATION

Generally, **3:1 to 3:5** 

#### **PREEMPTION**

Local and state regulations, no preemption, **30:1** 

#### PRELIMINARY INJUNCTIONS

Direct court actions, 25:15

# PREPONDERANCE OF EVIDENCE

Mixed motive cases, defendant's burden of proof, **10:3** Plaintiff's burden of proof, **26:5** 

#### **PRETEXT**

Intentional discrimination, proof of pretext cases, 10:2

#### PREVAILING DEFENDANTS

Attorneys' fees and costs, 25:18

# PREVAILING PLAINTIFFS

Attorneys' fees and costs, 25:18

# PRIMA FACIE CASE

Federal Fair Housing Act, 10:2

#### **PRINCIPALS**

Federal Fair Housing Act, 12B:2

# PRIVATE CLUBS

Exemption from Fair Housing Act, 9:5

# PROHIBITED BASES OF DISCRIMINATION

Generally, 11:1 et seq.

#### PROHIBITED PRACTICES

Financing and related transactions, selling, brokering, or appraising residential real property, 18:8

### PROMPT JUDICIAL ACTION

Enforcement by Attorney General, **26:1** 

#### **PROOF**

**Evidence** (this index)

### PROPER PARTIES

Parties (this index)

# PROPOSED TERMS AND CONDITIONS

Terms and conditions, 14:2

# **PUBLIC ASSISTANCE**

State and local fair housing laws, protection under, **30:3** 

# PUBLIC HOUSING DISCRIMINATION

Civil Rights Act of 1866, 27:9

# PUNITIVE DAMAGES

Civil Rights Act of 1866, 27:23 Direct court actions, 25:9 to 25:12

#### DACE

For particular matters, see specific entries throughout this index

Generally, 2:1

# Federal Fair Housing Act (this index)

Fifth and fourteenth amendments, **28:5** 

Steering

Advertisements, notices, and statements, **15:10** 

Civil Rights Act of 1866, 27:7

# RACE-BASED PROGRAMS PROMOTING INTEGRATION

Federal Fair Housing Act, 11A:2

# RACE-CONSCIOUS METHODS TO PROMOTE INTEGRATION

HUD regulations, 14:2

### RACIAL SEGREGATION

Generally, 2:1 et seq. Causes of, 2:4
Fair Housing Act, 2:3
History of, 2:2

# RACIAL STEERING

**Steering** (this index)

#### REAL ESTATE AGENTS

**Agents** (this index)

### REASONABLE ACCOMMODATIONS

Federal Fair Housing Act, **11D:8** Handicap/disability, **11D:5** 

### REASONABLE CAUSE

Complaints to Housing and Urban Development (HUD), **24:13** 

# REASONABLE HEALTH AND SAFETY RULES

Health and Safety (this index)

# REASONABLE OCCUPANCY STANDARDS

Federal Fair Housing Act, 9:6, 11E:3

#### RECORDS

Time records, 33:8

#### REDLINING

Financing and related transactions, 18:4

Insurance, **13:15** 

Traditional discrimination and otherwise make unavailable techniques, 13:15

#### REDRESSABILITY

Standing, Fair Housing Act cases, 12A:3

### REFERENDUM CASES

Pre-1968 housing discrimination cases, **3:5** 

#### REFERRALS

Attorney general, 26:11 to 26:13 Complaints to Housing and Urban Development (HUD), 24:5, 24:8 to 24:10

# REGULATIONS AND INTERPRETATIONS

Housing and Urban Development (HUD) (this index)

#### **REHABILITATION ACT**

Section 504, 29:3

#### RELIEF

Civil Rights Act of 1866, 27:22 et seq.

Direct court actions, **25:13 et seq.** Federal housing programs and affirmative duties, **21:7** 

Pattern or practice and general public importance cases, **26:6** et seq.

Section 3612 administrative proceeding, **24:21** 

#### RELIGION

Federal Fair Housing Act, 11B:1

# RELIGIOUS ORGANIZATIONS

Fair Housing Act, exemption from, **4:4, 9:3, 9:5** 

#### REMEDIES

Exclusionary zoning, **13:11**Sections 3610 to 3612, remedies in elected-to-court cases, **24:16** 

# REMOVAL FROM STATE TO FEDERAL COURT

Generally, 31:1

#### INDEX

### RENT, REFUSAL TO

Civil Rights Act of 1866, 27:5 Traditional discrimination and otherwise make unavailable techniques, 13:2

# RESIDENTIAL SEGREGATION

Generally, 2:1 et seq. Causes of, 2:4 Fair Housing Act, 2:3 History of, 2:2

#### RESIDENTS

Evidence, 32:4

# **RES JUDICATA**

Generally, **31:15** 

#### RESTRICTIVE COVENANTS

Advertisements, notices, and statements, **15:11**Before 1968, **3:3** 

#### RETALIATION

Civil Rights Act of 1866, **27:12** Coercion, Intimidation, Threats, and Interference, **20:5** 

# RETROACTIVITY

55-or-older exemption from familial status prohibitions, **11E:8** 1988 Fair Housing Amendments Act, **25:2, 25:3** 

#### **RIPENESS**

Plaintiff's claim, ripeness of, 11D:5, 13:14
Rule 19. 31:6

# ROOKER-FELDMAN DOCTRINE

Application and description, 11D:5, 13:16, 14:3, 31:15

# **RULE 19**

Intervention, 31:6

# **RULE 65**

Generally, 31:9

#### RULE 68

Generally, 31:14

#### SALE

Sign ordinances and for sale signs, 15:13

### SECONDARY MORTGAGES

Financing and related transactions, **18:6** 

### **SECTION 8**

Description of program, 29:5

### **SEGREGATION**

Generally, 2:1 et seq.

# SELECTIVE USE

Content or media, advertisements, notices, and statements, **15:6** 

### SELL, REFUSAL TO

Civil Rights Act of 1866, 27:5 Traditional discrimination and otherwise make unavailable techniques, 13:2

# SELLING OF RESIDENTIAL REAL PROPERTY

Financing and Related Transactions (this index)

#### SENIOR CITIZENS

Federal Fair Housing Act (this index)

#### **SERVICES**

Civil Rights Act of 1866, 27:6
Fifth and Fourteenth Amendments, 28:8

Terms and conditions, 14:3

# **SETTLEMENT**

Generally, 31:14 Defendant, 33:13

# SEVENTH AMENDMENT

Generally, **31:8**; also see **Jury Trial** (this index)
Section 3613 cases, **25:4**Section 3614(a) cases, **26:5** 

# SEX DISCRIMINATION AND SEXUAL HARASSMENT

Federal Fair Housing Act (this index)

### **SEXUAL ORIENTATION**

State and local fair housing laws, protection under, **30:3** 

#### **SHAREHOLDERS**

Federal Fair Housing Act, 12B:3

# SIGNIFICANT FACILITIES AND SERVICES

55 or over housing, 11E:8

#### SITE SELECTION

Fifth and Fourteenth Amendments, **28:5** 

### **62 OR OVER HOUSING**

Federal Fair Housing Act, 11E:7

### SOURCE OF INCOME

State and local fair housing laws, protection under, **30:3** 

# **SOVEREIGN IMMUNITY**

ECOA suits, **29:4**Fair Housing Act suites
Federal, **12B:7**State, **12B:6** 

### SPACING REQUIREMENTS

Group home (handicap) cases, 11D:5

# STANDARD OF OCCUPANCY

Federal Fair Housing Act, 11E:3

### STANDARD OF PROOF

Advertisements, notices, and statements, **15:1**Civil Rights Act of 1866, **27:19**Federal Fair Housing Act (this index)

# STANDING TO SUE

Generally, 31:4

### STANDING TO SUE—Cont'd

Family members
Federal Fair Housing Act,
12A:1

Section 1983, **27:16**Federal Fair Housing Act, **12A:1** 

### STARRETT CITY

Federal Fair Housing Act, 11A:2

#### STATE ACTION

Fifth and Fourteenth Amendments, **28:1** 

#### STATE AGENCIES

Complaints to Housing and Urban Development (HUD), **24:8 to 24:10** 

### STATE FAIR HOUSING LAWS

Generally, **30:1 to 30:3; App. C** Before 1968, **3:5** 

# STATE GOVERNMENTAL DEFENDANTS

Federal Fair Housing Act, 12B:6

# **STATEMENTS**

Advertisements, Notices, and Statements (this index)

#### STATE PROGRAMS

Older persons, 11E:6

#### STATISTICAL EVIDENCE

Generally, 32:7

### STATUTE OF LIMITATIONS

**Limitation of Actions** (this index)

#### STATUTORY CONSTRUCTION

Federal Fair Housing Laws (this index)

#### **STEERING**

Advertisements, notices, and statements, **15:10** 

Civil Rights Act of 1866, **27:7**Traditional discrimination and otherwise make unavailable techniques, **13:5 to 13:7** 

Index-26

#### INDEX

#### **SUBPOENAS**

Attorney general, 26:14 HUD proceedings, 24:11, 24:19 Section 3614(c) enforcement of subpoenas, 26:14

# SUBSTANTIALLY EQUIVALENT STATE AND LOCAL AGENCIES

Complaints to Housing and Urban Development (HUD), **24:8 to 24:10** 

### SUMMARY JUDGMENT

Generally, 31:11

# SUPPLEMENTAL JURISDICTION

Generally, 31:1

# SUPREME COURT DECISIONS

Federal Fair Housing Act, 12A:2

### TAKINGS CLAUSE

Discriminatory zoning, 3:2

# TEMPORARY RESTRAINING ORDERS

Direct court actions, **25:15**Motions and supporting documents, **App. D** 

### TENANT SELECTION

Fifth and Fourteenth Amendments, **28:5** 

### TERMS AND CONDITIONS

Generally, 14:1 to 14:3

Civil Rights Act of 1866, 27:6

Financing and related transactions, 18:5

Homeowners, current, 14:3

Proposed terms and conditions,

14:2

Services and facilities for residents, **14:3** 

# **TESTER CLAIMS**

Fair Housing Organizations and Testers (this index)

#### **TESTERS**

Fair Housing Organizations and Testers (this index)

### THIRTEENTH AMENDMENT

Civil Rights Act of 1866, **27:26** Constitutionality of fair housing act under, **6:1** 

#### **THREATS**

Coercion, Intimidation, Threats, and Interference (this index)

#### TIME

Records, 33:8

#### TITLE VI

Generally, 29:2

#### TITLE VII

Congressional intent and statutory construction, **7:4**Federal Fair Housing Act, **10:1**,

13:8 to 13:10

#### TITLE VIII

Generally, 2:3; App. A Civil Rights Act of 1866 (this index)

Dwellings, 9:2

Evidence, 10:1, 10:4

Proper parties, 12A:3

#### **TRADITIONAL**

DISCRIMINATION AND OTHERWISE MAKE UNAVAILABLE TECHNIQUES

Generally, 13:1 et seq.

Appraisals, 13:15

Bona fide offer requirement of § 3604(a), 13:3

Burden of justification, 13:13

Case law, **13:5** 

Defendant's burden of justification, 13:13

Definition of steering, 13:5

Evidence, 13:11 to 13:14

**Exclusionary Zoning** (this index)

#### Housing Discrimination

#### **TRADITIONAL**

DISCRIMINATION AND OTHERWISE MAKE UNAVAILABLE

TECHNIQUES—Cont'd

Fair Housing Act, **13:9**, **13:10** HUD regulations, **13:6** 

Huntington, 13:10

Insurance discrimination, 13:15

Justification, 13:13

Mortgage redlining, 13:15

Negotiate, refusal to, 13:2

Plaintiff's evidence, 13:12

Redlining, mortgage, 13:15

Rent, refusal to, 13:2

§ 3604(a) and (f)(1). See entries throughout this topic

Sell, refusal to, 13:2

Steering, 13:5 to 13:7

Zoning. Exclusionary zoning, supra

#### TRAFFICANTE CASE

Federal fair housing laws, 7:1

#### TRAILER PARKS

Mobile Homes and Mobile Home Parks (this index)

# TRANSITION CASES

Direct court actions, 25:3

### TRANSITION RULES

Federal Fair Housing Act, 11E:5

### **TRANSVESTITE**

Handicap, transvestite as exempt from definition under Fair Housing Act, 11D:2

#### **VENUE**

Generally, 31:1

### VICARIOUS LIABILITY

Federal Fair Housing Act, 12B:2, 12B:3, 12B:8

### **VICTIMS**

Civil Rights Act of 1866, 27:18

### **VOIR DIRE**

Generally, 31:8

# WHITE PLAINTIFFS

Civil Rights Act of 1866, 27:18

# **ZONING**

Attorney general, 26:12

Before 1968, 3:2

Civil Rights Act of 1866, 27:8

Traditional Discrimination and Otherwise Make Unavailable Techniques (this index)