

**A Report of
A Joint Investigation into**

**Residential
Real Estate Practices
in Connecticut**

CT Commission on Human Rights & Opportunities

CT Department of Consumer Protection

December, 1990

Table of Contents

Acknowledgements.....	2
Executive Summary.....	3
Introduction.....	5
Chapter 1 • The Role of the Commission & The Department in Fair Housing Enforcement.....	7
Chapter 2 • The Use of Testing In Investigating Fair Housing Violations.....	11
Chapter 3 • Study Methodology.....	15
Chapter 4 • Summary of Test Results.....	19
Chapter 5 • Conclusions & Recommendations.....	31
Appendix I • Letter from Governor William A. O'Neill Initiating this Investigation	
Appendix II • Fair Housing Law	
Public Act 90-246, Connecticut Fair Housing Statute	
Department of Consumer Protection Regulations Concerning Real Estate Brokers and Salesmen	
The Federal Fair Housing Act	
Appendix III • Test Summaries	

Acknowledgements

The Commission on Human Rights and Opportunities and the Department of Consumer Protection wish to acknowledge assistance during this study from the following individuals:

Melinda Bentley
William W. Binkley
Eleanor N. Caplan
Jill Cheatem
Lorraine Collazo
Cori DiAugustino
Irma Francis
Anita Gagnon
Thomas Gatten
Walter Hermann
Donald Levenson
Philip A. Murphy, Jr.
Dedra Robinson
Lummie L. Spann, Sr.

We wish to acknowledge with appreciation the Testers that dedicated their time and energies to fair housing.

Executive Summary

Summary of the Individual Tests Conducted

- 27 tests of 19 agencies were conducted in a total of 65 site visits in 15 communities in the Hartford area.
- Of the 65 site visits, 33 were performed by black testers, one by a Hispanic tester and 31 by white testers.
- Of the 27 tests conducted, 13 were valid, completed tests; eight were not completed, primarily due to the unavailability of testers, and six were invalid because a crucial error was committed by one of the testers.
- Of the 13 valid tests, three provided evidence of possible racial steering or other disparate treatment. Two of those three resulted in the filing of discriminatory practices complaints with the Commission and are now pending.
- Other tests contained evidence of disparate treatment but were inconclusive because of the weight of the evidence, the invalidity of the test, or the failure to complete the test.

Summary of Composite Data

- Analysis of the composite data — the experiences of all the black testers combined as compared to that of all the white testers — disclosed a subtle pattern of racial steering. This pattern was not readily apparent from the review of individual tests.
- No pervasive pattern of overt denials of homes in white neighborhoods to black testers was revealed by this investigation.
- Black testers as a group tended to be offered or shown homes in both integrated and non-integrated towns, but were more likely to be offered or shown homes in towns with higher minority percentages than similarly situated white testers.
- White testers, in general, tended to be directed away from communities with significant minority populations and towards nearly all-white towns, unless they specifically requested to be shown homes in more integrated communities.
- Of the 16 minority testers who were offered communities in addition to the ones they requested, 10 (62%) were offered at least one community with a significant minority population that they had not requested.
- Only one of the eight white testers (12%) who were offered a community other than the one requested was offered a community with a significant minority population.
- Of the fifteen black testers who asked to see housing in a nearly all-white community, six (40%) were also offered an integrated community.
- Only one of the ten white testers (10%) who requested a nearly all white community was also offered a more integrated one.

chairperson, who presides over a court-room-like administrative proceeding in which attorneys for both sides present evidence and witnesses.

After reviewing transcripts of the hearings, and all of the evidence and the testimony in the case, the hearing officer will issue a written order stating his or her findings. If the hearing officer finds that the evidence does not support the allegations of discrimination, the complaint will be dismissed. If, on the other hand, the hearing officer rules that discrimination did occur, they will order the respondent to stop the discriminatory practices and will award the complainant appropriate relief. The relief awarded in a case will depend on the facts of the matter, the type of discrimination and the legal issues involved.

Either party or the Commission may appeal the hearing officer's decision to the Superior Court. The Commission can also petition the Superior Court to enforce the hearing officer's order should the respondent fail to comply.

3. Educational Role

The Commission periodically sponsors fair housing seminars and regularly provides speakers on fair housing to real estate groups and community organizations. The Commission also routinely invites municipal fair housing personnel to its own staff in-service training and provides several publications related to fair housing free of charge to the public and real estate professionals.

B. Department of Consumer Protection

1. Statutory Role

Under Chapter 392 of the General Statutes, the Real Estate Commission authorizes the Department of Consumer Protection to license real estate brokers, salespeople and appraisers. Section 20-328-4a of the Regulations of Connecticut State Agencies applies to real estate brokers and salespeople in Connecticut. This regulation prohibits discrimination in real estate services, and specifically prohibits blockbusting and steering. Section 20-328-4a(c) requires real estate brokers and salespeople to place a statement in all listing agreements indicating that the agreement is subject to the Public Accommodations Act, formerly the primary Connecticut fair housing law.

The Department is assisted in its responsibility to license and oversee the real estate professions in Connecticut by the Connecticut Real Estate Commission. At the time of this investigation, the Connecticut Real Estate Commission, which is part of the Department, had twelve members appointed by the Governor, three of whom must be engaged in the real estate business at the time of their appointment, at least one of whom must be a licensed real estate broker and another a licensed real estate salesman. Three of the Connecticut Real Estate Commission members must be real estate appraisers at the time of their appointment, at least one of whom must be a real estate appraiser and another a residential appraiser. Two of the members must hold combined licenses as real estate brokers and real estate appraisers. Four of the members are appointed from the general public. Effective January, 1991, the Real Estate Commission will consist of eight members.

2. Enforcement Procedures

All complaints from the public received by the Real Estate Division of the Department of Consumer Protection concerning fair housing issues are referred to the Commission on Human Rights. If the Commission on Human Rights determines that a fair housing violation has occurred, it refers the matter back to the Real Estate Division after concluding its enforcement proceedings.

When a case is referred back to the Department by the Commission, a complaint file is opened and the case is assigned to an examiner. A copy of the complaint is sent to the licensee for a reply, and the examiner conducts any necessary investigation or fact-finding. If it appears that the licensee has violated a statute or regulation, a Compliance Meeting is scheduled, pursuant to CONN. GEN. STAT. Section 4-182 (c), to

give the licensee an opportunity to demonstrate his or her compliance with the applicable law. The compliance meeting will result in a proposed settlement which is presented to the Real Estate Commission for its approval, a recommendation for a formal hearing before the Real Estate Commission, or a recommendation of dismissal. Formal hearings before the Real Estate Commission are held pursuant to the procedures mandated by the Uniform Administrative Procedure Act, CONN. GEN. STAT. Section 4-166, et seq.

Under Sections 20-320 and 21a-7 of the Connecticut General Statutes, the Real Estate Commission may revoke or suspend a license, place a licensee on probation, issue a letter of reprimand, or impose a fine of up to \$1,000. These actions can be taken for the reasons listed in Section 20-320, and for a violation of any statute or regulation relating to the licensee's profession. The licensee may appeal an adverse decision to the Superior Court.

3. Educational Role

The Department of Consumer Protection provides educational services to both real estate licensees and the public. In 1977, the Connecticut Real Estate Commission voluntarily entered into an Affirmative Fair Housing Marketing Agreement with HUD. One of the main purposes of this agreement is to ensure that all real estate licensees are well informed in the area of fair housing.

The Department has implemented the goals of the above agreement in its licensing programs. By regulation, the Department mandates that the qualifying real estate courses required to become a real estate broker or salesperson include a section on equal opportunity in housing. The licensing examination for brokers and salespeople also includes questions on fair housing laws. The Department has recently adopted regulations which require all real estate brokers, salespeople and appraisers to take a three-hour continuing education course in fair housing law every two years.

The Department provides educational services which benefit both licensees and the public and has co-sponsored a fair housing conference. The Department also includes a copy of the Public Accommodations Act, CONN. GEN. STAT. § 46a-63, et seq. in the compilation of real estate laws distributed to licensees and the public. The Department has published a booklet, in cooperation with the Judicial Department, on tenant's rights and responsibilities. This booklet contains a section on housing discrimination.



Chapter 2

The Use of Testing In Investigating Fair Housing Violations

The information which formed the basis of this report was obtained through the use of fair housing testers. To understand the results of this study it is necessary to have a basic understanding of the testing process.

A. Testing Defined

Testing is an investigative tool used to determine if housing providers are treating some applicants for housing opportunities differently, and less favorably, than others because of their membership in a particular protected class — for example, race, marital status, sex, etc.

To conduct a test, persons of different protected classes, but similar qualifications, apply for the same housing opportunities from the same housing provider in a similar manner around the same point in time. The testers are closely matched to each other in terms of appearance, income, available down payment, family size and other relevant characteristics and qualifications. They differ significantly only in the variable being tested.

In suspected racial steering, which was the subject of this investigation, the only significant variable is race. Any differences in treatment experienced by the different testers can, therefore, reasonably be attributed to their race.

B. Legal Foundation

Although testers have not been used extensively in Connecticut, evidence supplied by testers has been instrumental in establishing discrimination in two Connecticut Commission cases, one of which was appealed to, and upheld by, the Court of Common Pleas.¹ In the other case, the recent Watts² decision, the entire finding of discrimination was based on the testimony of testers.

In Watts, the decision was based on treatment accorded four fair housing testers who were part of a study of the residential rental practices of Hartford-area real estate firms conducted by the University of Connecticut Law School legal clinic. Based primarily on statistical evidence produced by the Commission regarding the treatment received by the four testers, the hearing officer concluded in Watts that the Connecticut Public Accommodations Act had been violated when Ms. Watts, the black tester, was treated differently, and steered to different housing, than the white testers.

Numerous federal court decisions have also relied upon tester evidence and have concluded that such evidence is competent and admissible to establish proof of invidious housing discrimination.³ State courts in other jurisdictions have upheld the use of fair housing testers and have also relied on tester-established evidence when making findings of discrimination.⁴ A state statute in another jurisdiction which attempted to make testing a crime was invalidated by a federal court because it violated Title VIII of the 1968 Civil Rights Act and the Supremacy Clause of the United States Constitution.⁵

The need for tester evidence in steering cases has been well noted.

The evidence resulting from the experience of testers is admissible to show discriminatory conduct on the part of the defendants. The Fair Housing Act of 1968 was intended to make unlawful simpleminded as well as sophisticated

and subtle modes of discrimination. It is the rare case today where the defendant either admits his illegal conduct or where he sufficiently publicizes it so as to make testers unnecessary. For this reason, evidence gathered by a tester may, in many cases, be the only competent evidence available to prove that the defendant has engaged in unlawful conduct.⁶

The essence of steering and other cases of disparate treatment is difference in treatment based on race. Testing is one of the most reliable and probative sources of evidence of such violations.

In a seminal fair housing case, Havens Realty vs. Coleman, 455 U.S. 363 (1982), the United States Supreme Court noted that Section 804(d) of Title VIII guarantees all persons the right to truthful housing availability information and that minority testers who fail to receive truthful information about the availability of housing are clearly within the class of persons that subsection was designed to protect. The Supreme Court recognized in Havens that minority testers who are denied truthful availability information have the right, as testers, to file fair housing complaints. A similar right was recognized in Connecticut by the Commission hearing officer's decision in Watts.

A more detailed discussion of state and federal fair housing law is contained in Appendix II.

C. Issues Concerning Testing

While testing is an extremely effective investigatory technique in the enforcement of fair housing laws, it is not without its limitations. One major limitation is the need for care and expertise in performing a test. Testing is not easy. Mistakes in the structure of the test, the conduct of individual testers, or difficulties in completing the test, can adversely affect the competency of the evidence provided and thus inhibit its usefulness in proving discrimination.

Because of the need to closely "match" testers to each other, and because testers are not actual home-seekers, it is usually necessary to create fictitious, but believable, identities for each tester. This in turn creates additional problems since real estate personnel will often seek to contact testers at their homes or places of employment. Testers must also be able to memorize their new identities and pose convincingly as actual home-seekers. That each test in a given series should be performed within a reasonably short time frame, so that available housing is relatively the same, creates an additional difficulty.

Testing is extremely time consuming. In order to perform a valid test, time must be spent developing the testing methodology, researching potential test sites, recruiting, selecting, and training testers, performing the actual tests and analyzing the test results.

Testing also takes a personal toll on individual testers. To begin with, there are the logistical burdens of contacting real estate agents, visiting real estate offices, and viewing prospective homes. There are also the psychological pressures of maintaining a false identity and experiencing disruptions at home and at work. Testers who experience blatant acts of discrimination may be shocked and disgusted with the racist conduct they experience. Minority testers, in particular, may be humiliated and embarrassed by the discriminatory conduct they experience, and may suffer significant emotional distress despite their assumed identities.

The legality of testing itself has been questioned. Persons who have felt the sting of a successful positive test have likened testing to entrapment. As one federal circuit court has indicated, however, "while actions intended to found a law suit are not favored, they at times must be tolerated."⁷ The court went on to say in support of testing, that "it would be difficult indeed to prove discrimination in housing without this means of gathering evidence."⁸ In another federal decision where the respondents raised an entrapment defense, and compared a tester to an informer in a criminal case, the court noted that "even in a criminal case, let alone in a civil case, the testimony of

an informer is competent....and there is no entrapment if the informer merely furnishes 'a favorable opportunity'.... to the defendant to violate the law."⁹

Testing has also withstood constitutional challenges when conducted by governmental entities. In U.S. v. Northside Realty, Inc., 605 F.2d 1348 (5th Cir. 1979), a federal district court determined that a test conducted by the United States Justice Department did not constitute an unreasonable search and seizure in violation of the Fourth Amendment to the United States Constitution. The court said real estate agencies could have no expectation of privacy concerning facilities and activities available to the general public.

All questions about the legality of testing were put to rest by the United States Supreme Court's decision in Havens. In Havens a unanimous Supreme Court not only implicitly recognized the use of fair housing testing as a legitimate investigatory tool, but explicitly recognized that testers had the right to file fair housing complaints if they received untruthful housing availability information from housing providers.

Persons who are the subject of fair housing tests have sometimes complained about the inconvenience which inevitably results from testing. A tester in a home-sale situation may work with a seller or real estate agent close to the point of consummating a sale in order to establish credible and persuasive evidence of discrimination. This activity can take a significant amount of the agent's time, and can create a false expectation of a sizeable profit or commission. However, as one commentator noted, "the inconvenience to a portion of the real estate industry is far outweighed by the critical need for fair housing. After more than a century since the enactment of the Civil Rights Act of 1866, people are still being denied equal opportunity in housing because of their race."¹⁰

D. Steering Defined

For purposes of this report, the Commission has employed a definition of steering which is consistent with the approach taken by the federal courts, HUD, the recent statutory and regulatory actions in Connecticut and existing Commission precedent. (See Appendix II for a more detailed discussion of these items.)

Accordingly, in analyzing the specific test results for this report, the Commission looked for the presence of either of two factors. First, was there any evidence of statements or conduct on the part of real estate personnel involved in any test which appeared intended to limit or influence the housing choices of the testers on account of race? Second, were black testers directed to communities with significantly higher minority populations than the communities to which similarly situated white testers were directed. Similarly were black testers directed to communities with larger minority populations than the communities the testers requested to see?

The Use of Testing — A Summary

The Supreme Court and the Congress of the United States have recognized that the elimination of racial discrimination in housing is one of our highest national priorities. The Connecticut General Assembly and the Governor have also recognized the importance of fair housing to the citizens of Connecticut, most recently by the enactment of the Connecticut Fair Housing Statute, Public Act 90-246.

When home-seekers are denied the housing of their choice on account of their race, a grave injustice is done which strikes at the very core of what it means to be an open and free society. Testing has been recognized as an extremely valuable, sometimes critical, tool in eliminating invidious housing discrimination. The inconvenience caused by testing is a small price to pay to ensure that all persons have the right to live in the housing of their choice as guaranteed to them by law.

Footnotes: Chapter 2

1. CHRO v. Evergreen Corp., Commn. Pls. Dec. (7/9/75); Lawson v. Defelice, 1 CHRR 1159 (H.O. Dec., 1973).
2. Watts v. Plaza Realty, H.O. Dec. (12/20/89).
3. Havens Realty vs. Coleman, 455 U.S. 363 (1982); Blockman v. Sandalwood Apartments, 613 F.2d 168 (7th Cir. 1980); Grant v. Smith, 574 F.2d 252 (5th Cir. 1978); Wharton v. Knefel, 562 F. 2d 550 (8th Cir. 1977); Smith v. Anchor Building Corporation, 536 F.2d 231 (8th Cir. 1976); Hamilton v. Miller, 477 F.2d 908 (10th Cir. 1973); Johnson v. Jerry Pals Real Estate, 485 F. 2d 528 (7th Cir. 1973); Village of Bellwood v. Dwayne Realty, 482 F. Supp. 1321 (N.D. Ill. 1979); Zuch v. Hussey, 394 F. Supp. 1028 (E.D. Mich. 1975), aff'd and remanded, 547 F.2d 1168 (6th Cir. 1977); Fort v. White, 383 F. Supp. 949 (D.C. Conn. 1974); United States v. Youritan Construction Company, 370 F. Supp. 643 (N.D. Cal. 1973); Williamson v. Hampton Management Co., 339 F. Supp. 1146 (N.D. Ill. 1972); Seaton v. Sky Realty Company, Inc., 372 F. Supp. 1322 (N.D. Ill. 1972), aff'd, 491 F.2d 634 (7th Cir. 1974); Brown v. Ballas, 331 F. Supp. 1033 (N.D. Texas 1971); Bush v. Kaim, 297 F. Supp. 151 (N.D. Ohio 1969); Harris v. Jones, 296 F. Supp. 1082 (D. Mass. 1969); Newbern v. Lake Lorelei, Inc., 308 F. Supp. 407 (S.D. Ohio 1968).
4. Bryan v. Commonwealth, Pennsylvania Human Relations Commission, 45 Pa. Commw. Ct. 125, 404 A.2d 1368 (1979); J. Howard Brandt, Inc. v. Commonwealth, Human Relations Commission, 15 Pa. Commw. Ct. 123, 324 A.2d 840 (1974); Ungar v. New York City Commission on Human Rights, 71 Misc. 2d 1048, 337 N.Y.S. 2d 629 (1972); Kindt v. State Commission for Human Rights, 44 Misc. 2d 896, 254 N.Y.S. 2d 933 (1964), modified, 258 N.Y.S. 2d 250, 23 App. Div.2d 809, aff'd, 265 N.Y.S. 2d 662, 212 N.E.2d 898.
5. U.S. v. State of Wisconsin, 395 F. Supp. 732 (W.D. Wisc. 1975).
6. Zuch v. Hussey, 394 F. Supp. 1028, 1051 (E.D. Mich. 1975), aff'd, 547 F.2d 1168 (6th Cir. 1977).
7. Hamilton v. Miller, 477 F.2d at 909, N.1.
8. Id.
9. Newbern v. Lake Lorelei, Inc., 308 F. Supp. at 415.
10. Skinner, Christopher K., Fair Housing -- The Use of Testers to Enforce Fair Housing Laws -- When Testers are Sued, 21 St. Louis University Law Journal 172, 200-201 (1977).

Chapter 3

Study Methodology

A. Recruitment of Testers

The testers who participated in this investigation came from the staff of the Department of Consumer Protection, persons associated with the human relations commissions of the towns of Bloomfield and Windsor, and individuals recruited independently by the Commission.

The Department originally had agreed to have 20 of their staff serve as testers as their primary contribution to this study. The Department was ultimately only able to supply seven testers because of budget restrictions resulting from the State's fiscal difficulties, personnel lost through the State's early retirement program and the need to fulfill statutorily mandated duties. Although a number of the personnel from the Department had prior investigatory experience outside the fair housing context, only three of the individuals who ultimately served as testers during this investigation had previous tester experience.

The testers supplied by the Department served without compensation and often had to perform tasks on their own time after normal working hours to complete their testing responsibilities. The testers recruited from other sources were private citizens who volunteered their time to support this investigation. They were paid a flat fee of \$25 for every completed test, but were not reimbursed for mileage, toll calls or other expenses. The money to compensate the volunteer testers came from a grant by HUD, received and administered by the Massachusetts Commission Against Discrimination (the Massachusetts counterpart of the Commission) and not from state funds. All of the testers lived or worked in the Hartford area and, because of the lack of mileage compensation, were reluctant to travel extensively making it difficult to complete tests outside the Hartford area.

Throughout this study the Commission was hampered by the lack of an adequate number of experienced and trained testers. The Commission found it difficult to recruit qualified testers because of three factors: 1) the extensive time commitment required; 2) the extensive travel involved; and 3) the lack of funds to adequately compensate testers for their time and expenses.

B. Screening

All of the applicants for tester positions were required to complete a Tester Application Information Form. These forms were carefully reviewed by the Commission's Testing Coordinator and all applicants were personally interviewed by the Coordinator prior to being accepted into the program. Applicants were screened for reliability, objectivity, and commitment.

All persons accepted into the program had to agree formally to do the following:

1. Attend their designated tester training module.
2. Complete their assigned tests as instructed.
3. Fill out all forms in a timely and thorough manner.
4. Submit to debriefing by the Testing Coordinator after completion of a test.

5. Be available for further questioning by Commission staff as required.
6. Appear and testify at any administrative hearings resulting from or connected to any tests performed.

C. Tester Training

The Commission provided two half days of comprehensive training to each tester. The goal of this training was to enable the testers to replicate, as realistically as possible, the behavior of ordinary home-seekers and to report back to the Commission the results of their testing experience as fully and accurately as possible. To accomplish this goal, the purpose and methodology of testing were explained to each tester. Each tester was also given a copy of the Connecticut Fair Housing Tester's Manual and was provided instruction on the following topics:

1. Federal and Connecticut fair housing laws and applicable court decisions.
2. Federal and state fair housing enforcement agencies and their enforcement procedures.
3. Practical skills to successfully and realistically portray a home-seeker.
4. Completion of the requisite forms and reports.

D. The Test Process

1. Site Selection

As part of its initial site selection process, the Commission requested the Department to provide a computerized printout of the approximately 40,000 licensed real estate brokers and salespersons in Connecticut. This list was used by the Commission to identify the number of real estate brokers and salespersons associated with individual real estate agencies in the state. Larger real estate agencies, because of their size were considered to have the greatest impact on the housing market in their respective areas. For the same reason, the Commission was also interested in determining which real estate agencies advertised in mass circulation media such as large metropolitan newspapers and real estate listing magazines.

To identify those communities with the largest minority populations the Commission analyzed the population statistics of the eight counties in Connecticut. The 1980 Census data for each of the 169 towns and cities in Connecticut were reviewed to identify those communities with more than 1,000 black or Hispanic residents. These towns were regarded as having significant minority population and, with adjacent towns, were considered most at risk for racial steering.

The following are the results of that assessment of data derived from United States Bureau of the Census Publication PH 80-3-8: "1980 Census of Population and Housing for Governmental Units and Standard Metropolitan Statistical Areas for Connecticut."

	<u>Black Persons</u>	<u>Persons of Spanish Origin</u>
<u>Fairfield County</u>	66,155	45,112
City of Bridgeport	29,898	26,677
City of Danbury	3,452	2,018

	<u>Black</u> <u>Persons</u>	<u>Persons</u> <u>of</u> <u>Spanish</u> <u>Origin</u>
Town of Greenwich	1,104	1,235
City of Norwalk	10,838	4,521
City of Stamford	15,341	5,762
Town of Stratford	3,064	966
<u>Hartford County</u>	66,350	41,406
Town of Bloomfield	5,203	313
Town of East Hartford	1,970	1,246
City of Hartford	46,186	27,898
Town of Manchester	1,012	523
City of New Britain	4,289	6,401
Town of Windsor	2,521	362
<u>Litchfield County</u>	1,233	1,129
<u>Middlesex County</u>	4,810	1,796
City of Middletown	3,748	1,005
<u>New Haven County</u>	67,488	27,313
City of Ansonia	1,464	242
Town of Hamden	3,366	361
City of Meriden	1,919	4,698
City of New Haven	40,235	10,042
City of Waterbury	12,023	6,912
City of West Haven	4,897	814
<u>New London County</u>	8,953	4,668
Town of Groton	1,828	1,018
City of New London	4,295	1,828
City of Norwich	1,328	573
<u>Tolland County</u>	1,799	989
<u>Windham County</u>	645	2,086
Town of Windham	370	1,592

The Commission also examined its case records to determine whether any prior or pending complaints had been filed against any real estate firms in the target areas. Prior complaints were regarded as a potential indicator of illegal behavior.

Combining these various factors, the Commission developed the following criteria for selecting its specific test sites. Real estate firms were identified as potential test sites if they met criterion one and at least two of the other three criteria listed below.

1. The real estate firm had a sales force of at least 20 agents.
2. The real estate firm was adjacent to or located in a community with a significant minority population, as defined above.
3. The real estate firm advertised in real estate listing magazines, or a major metropolitan daily newspaper with a significant circulation and large subscriber base in the targeted areas.

-
4. The Commission had received a formal complaint against the real estate firm in the past or had one currently pending.

2. Conduct of the tests

The Commission used two generally accepted forms of testing — the "sandwich" test and the "paired" test. In a "sandwich" test, a site visit by a tester of the racial group being tested — for example, a black person — is "sandwiched" between the times of site visits by two testers with similar characteristics but not of that protected class. In a "paired" test, a tester of one race visits a test site in about the same time frame as a tester of another race. Both techniques attempt to eliminate all variables, other than protected class status, which might explain any differences in treatment experienced by the testers.

Due to the lack of available testers, and the difficulty some testers had in contacting particular agents, the Commission was not always able to complete a given test in exactly the sequence it would have preferred. No test of a particular agency was considered valid, however, unless at least one site visit each was conducted by both a black and a white tester.

Prior to each test, the Commission's Testing Coordinator gave the tester a Site Visit Assignment Form and reviewed the information with them, over the phone or in person. The Site Visit Assignment Form contained detailed information on the agent and agency being tested, the manner in which the test was to be conducted, and the identity to be assumed by the tester while conducting the test. To avoid potential differences in treatment attributable to testing different agents from an agency, the Commission tried, whenever possible, to complete all site visits in a test with the same agent at each agency tested.

Testers were instructed to act naturally, to pay close attention to any statements by the real estate personnel, to retain copies of any printed materials they were given and to obtain identifying information on any properties offered or shown (for example, address, price, style, town, etc.) Testers were also instructed not to volunteer information unless required to maintain the legitimacy of the test, but to wait to be asked by real estate personnel.

Testers also were trained not to make any statements regarding the racial composition of any neighborhood. Since objectivity is the key to any reliable test, testers were repeatedly cautioned against making any statement or taking any action which might be viewed as unfairly influencing the statements or conduct of the real estate personnel.

Testers were required to complete a Sales Test Reporting Form and to be debriefed by the Commission's Testing Coordinator soon after completing a test. Testers were not told the results of the tests performed by other testers until well after the completion of the entire testing program. Testers were also cautioned not to discuss what had occurred during their tests with anyone other than the Testing Coordinator.

Chapter 4

Summary of Test Results

The Commission conducted 19 tests of agencies, selected according to the Target Selection Process described in the preceding chapter, from July 18, 1989, through December 14, 1989. After evaluating these initial test results, the Commission conducted eight additional tests from February 5 to March 2, 1990, and compared those results to the data obtained from the initial tests of the same agencies.

A summary of each test, including an analysis of the population statistics of the neighborhoods offered to the testers, was prepared by the Commission's Testing Coordinator. Copies of those summaries, with the exception of two tests which resulted in discrimination complaints filed with the Commission and now pending, are attached as Appendix III. Identifying data were deleted to protect the privacy of the testers and real estate agencies and personnel involved in this study.

Overall, the Commission completed 27 tests involving 65 site visits by individual testers. Of those 65 site visits, 33 were performed by black testers, one by a Hispanic tester and 31 by white testers. Nineteen real estate agencies were tested by the Commission in 15 communities.

Of the 27 tests conducted, 13 were valid, completed tests; eight were not completed, primarily due to the unavailability of testers, and six were invalid because a crucial error was committed by one of the testers. Of the 13 valid tests, three provided evidence of possible racial steering or other disparate treatment. Two of those three resulted in the filing of discriminatory practices complaints with the Commission and are now pending.

A Composite Data Analysis

The Commission analyzed the test results from two interrelated perspectives. First, the Commission compiled the experiences of all the minority testers employed during the investigation and compared that composite with the compiled experience of all the white testers. Analysis of this "composite" data could reveal if certain overall patterns of behavior by the real estate professionals based on the race of the testers had occurred which were inconsistent with established principles of fair housing.

Second, the Commission examined the experiences in the "individual tests" — the matched pairs or sets of black and white testers who visited the same real estate agent or agency. The Commission looked for potential violations of state and federal fair housing laws as evidenced in different treatment experienced by equally qualified white and black home-seekers.

1. Composite Analysis for Racial Steering

When test data was combined for all the minorities who participated in the investigation and compared to the data for all the whites who participated, a subtle pattern of racial steering was evident. This pattern was not readily apparent from the review of individual tests.

While not denied housing in white communities, black testers as a group tended to be offered or shown homes in both integrated and non-integrated towns, but were more likely to be offered or shown homes in towns with higher minority percentages than similarly situated white testers.¹ By comparison, white testers, in general, tended to be directed away from communities with significant minority populations and towards nearly all-white towns, unless they specifically requested to be shown homes in more integrated communities.

However, when white testers originally requested to see homes in more integrated towns, they were actually more likely to be offered other integrated communities than were black testers who had requested more integrated towns.

Chart 1

Blacks Offered Towns Not Requested

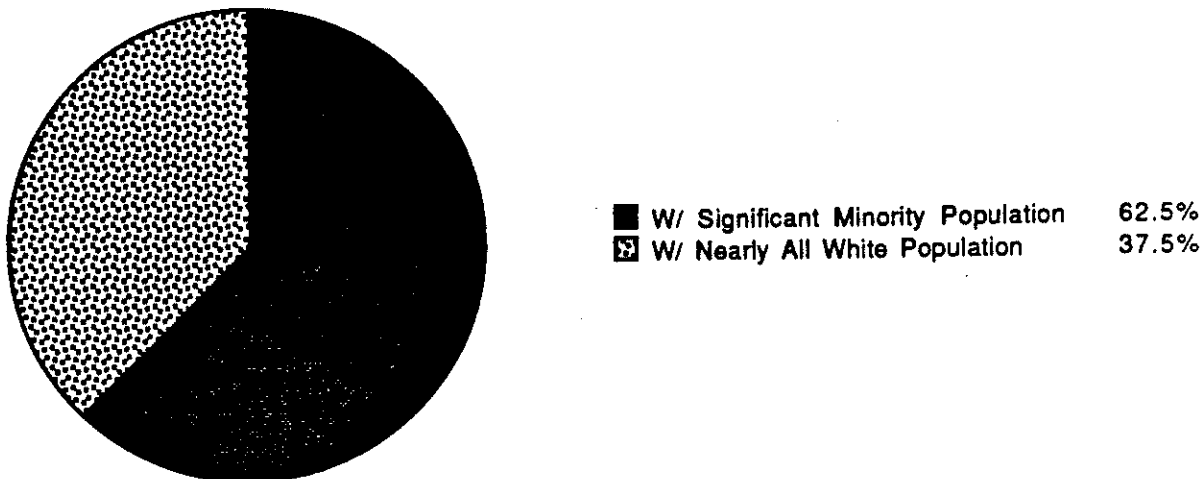
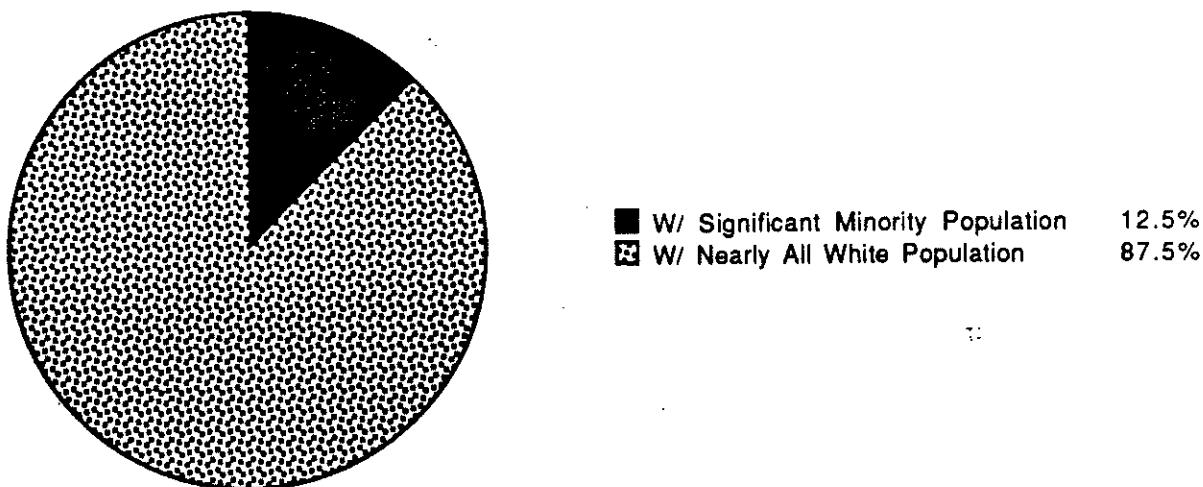


Chart 2

Whites Offered Towns Not Requested



Of the 16 minority testers who were offered communities in addition to the ones they requested, 10 (62%) were offered at least one community with a significant minority population that they had not requested (Chart 1). Only one of the eight white testers (12%) who were offered a community other than the one requested was offered a community with a significant minority population (Chart 2). In that test the white tester had originally requested Hartford and was offered Windsor, a town with a much smaller relative minority population than Hartford's.

Of the fifteen black testers who asked to see housing in a nearly all-white community, six (40%) were also offered an integrated community (Chart 3). Conversely, only one of the ten white testers (10%) who requested a nearly all white community was also offered a more integrated one (Chart 4).

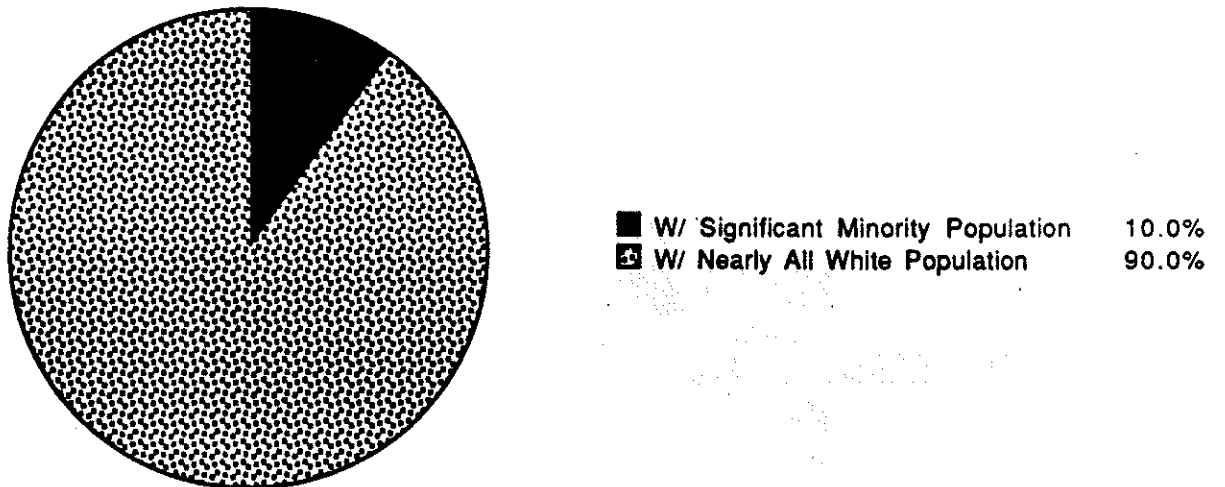
Chart 3

Blacks Requested White Town



Chart 4

White Requested White Town



The only anomalous results occurred when the Commission compared the black and white testers who originally requested communities with significant minority populations. Of the 13 black testers who requested such communities, six (46%) were also offered homes in nearly all-white communities (**Chart 5**). However, only three of the 13 (23%) white testers who requested communities with significant minority population were also offered nearly all-white ones (**Chart 6**).

Chart 5

Blacks Requesting Integrated Towns

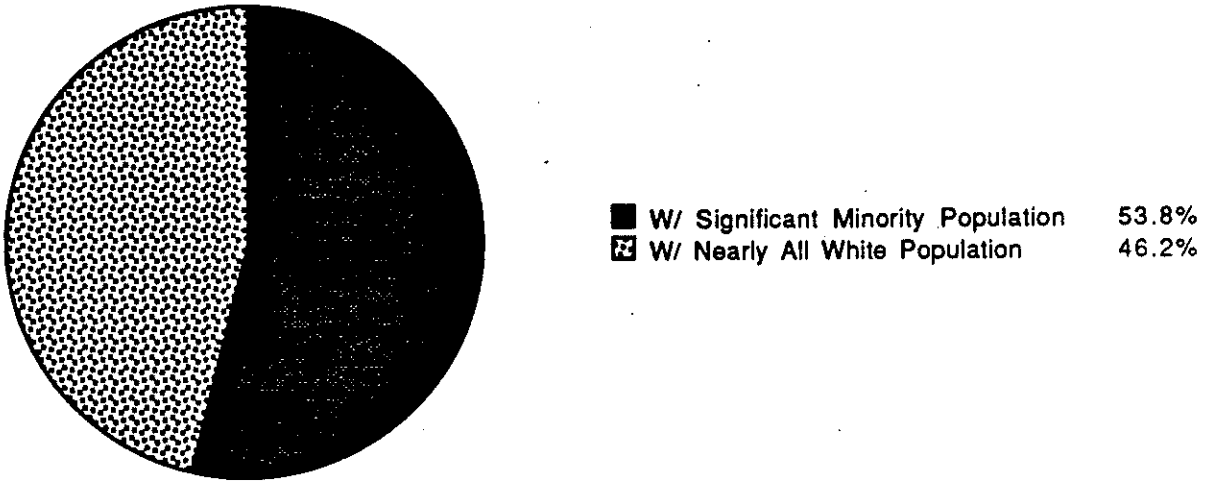
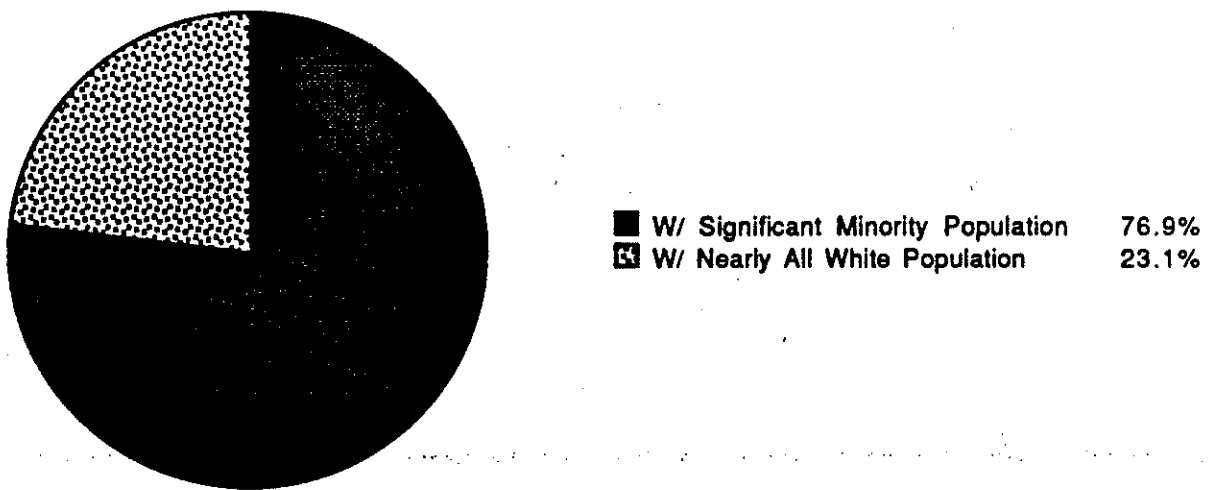


Chart 6

Whites Requesting Integrated Towns



2. Composite Analysis for Home Offering Patterns

To discern overall patterns in the treatment of black testers when compared to the treatment of white testers, the Commission compiled data by race on a number of variables including the average number of homes physically shown individual testers by real estate agents and the average time agents spent with individual testers. The data was analyzed by race of the tester for each site visit and for each tester's combined visits with a particular agent.

Nine of the 33 black testers (27.3%) were not shown a single home each time they met with a real estate agent, while only five of the 25 white testers (20%) were similarly treated (Charts 7 & 8).

Chart 7

Homes Shown To Blacks, per Site Visit

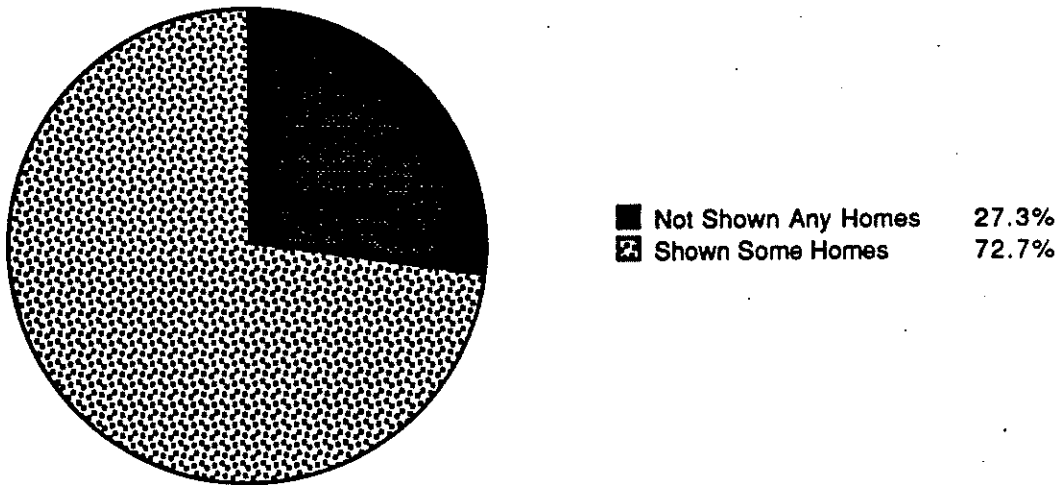
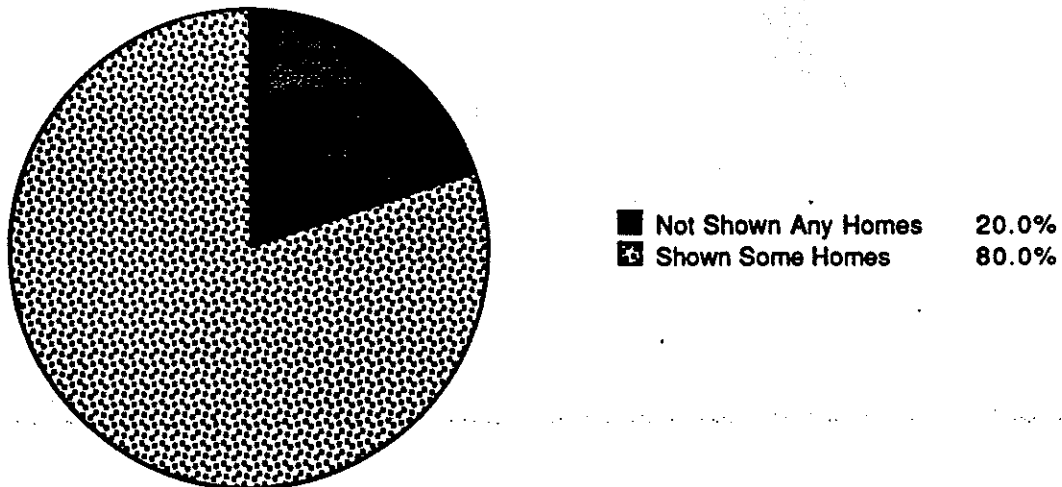


Chart 8

Homes Shown To Whites per Site Visit



This disparity increased when the overall tester experience with a particular agent was examined. Black testers were more likely than white testers (21.43% to 13.04%, respectively) to not be shown a single house over the entire course of their contact with an agent (Charts 9 & 10). Since taking clients out to view houses is the single most significant act to sell a home, the data reveal a disturbing difference in the treatment accorded black testers.

Chart 9

Blacks Shown Homes, per Tester Contact

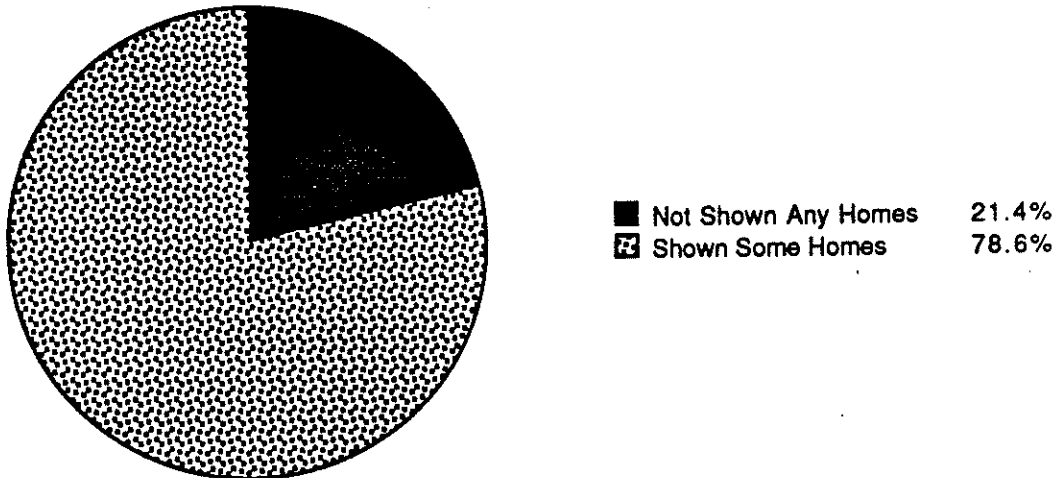
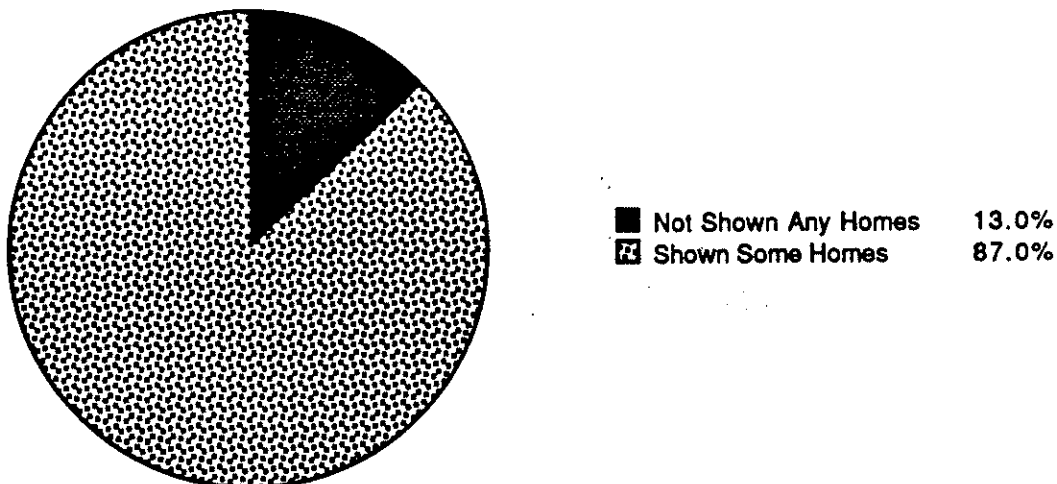


Chart 10

Whites Shown Homes, per Tester Contact



The data also indicated that real estate agents spent slightly more time overall with black testers than white testers, but less time with them per visit. This may be explained by the fact that black testers made more multiple site visits than white

testers. The average number of homes shown white testers slightly exceeded the average number of homes shown black testers.

Another significant disparity emerged when the Commission compared by race the prices of the houses shown to the house price-range preferences testers had communicated to the agents. The purpose of this comparison was to determine if testers were subjected to economic steering based on their race.

Of the 15 white testers who told the agent the price range they were looking for, eight (53.3%) were shown at least one home priced higher than their stated price range while only three (23.1%) of the 13 black testers stating a range were shown a home above theirs (Charts 11 & 12).

Chart 11

Blacks Shown Homes Above Price Range

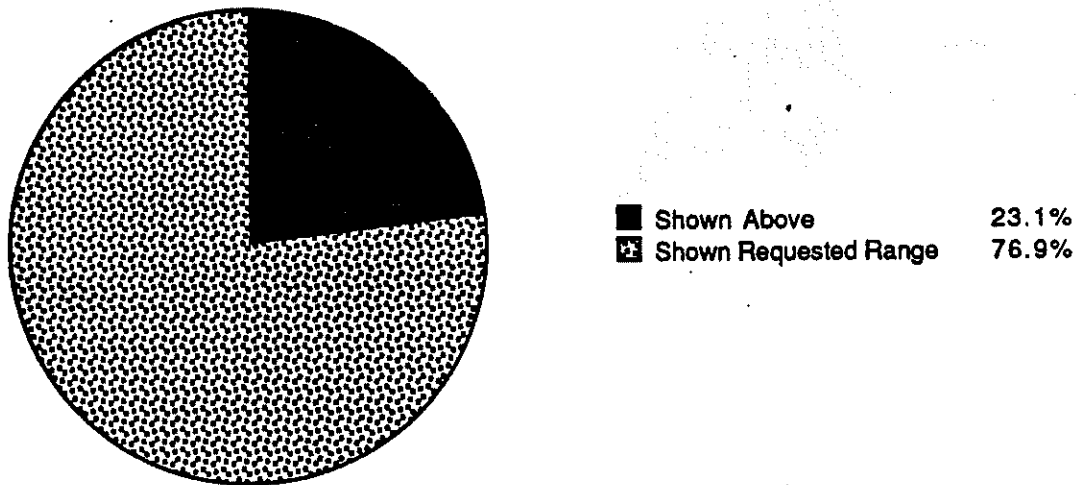
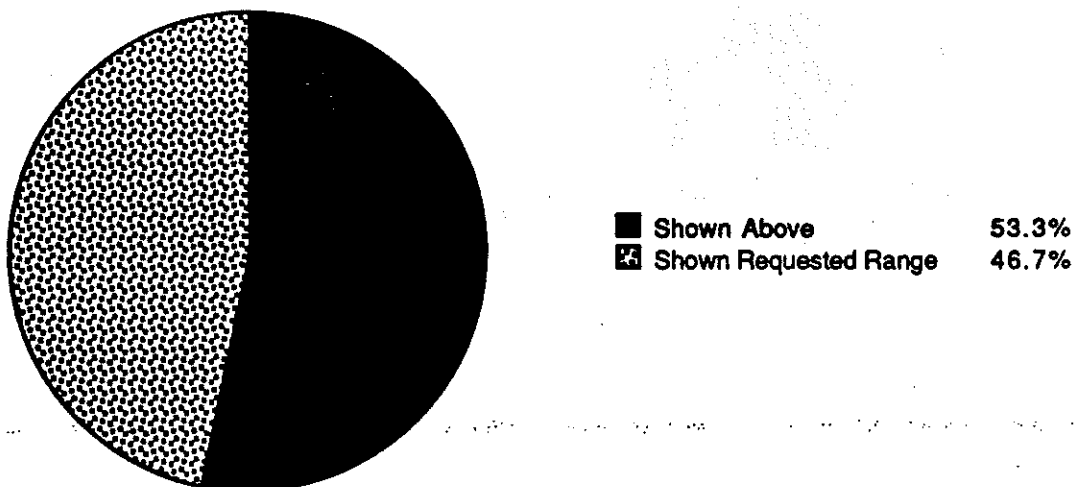


Chart 12

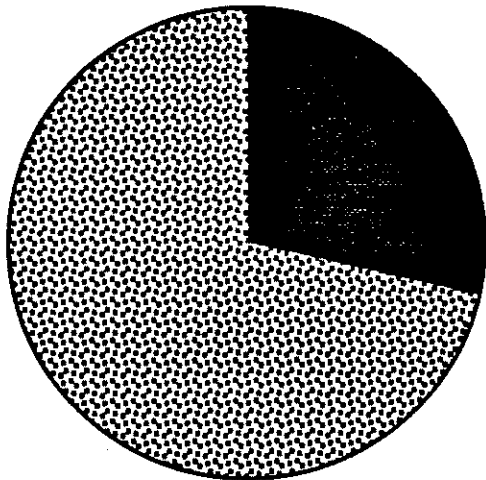
Whites Shown Homes Above Price Range



White testers were also slightly more likely than black testers (31.25% to 28.57%, respectively) to be shown at least one home below their requested price range (Charts 13 & 14). This suggests that agents were not discouraging black home-seekers from purchasing homes in predominantly white communities by showing them homes outside their price range. It does indicate, however, that a wider range of homes in various price ranges were shown to the white testers than to the black ones. The white testers therefore had a greater range of houses to choose from than their black counterparts.

Chart 13

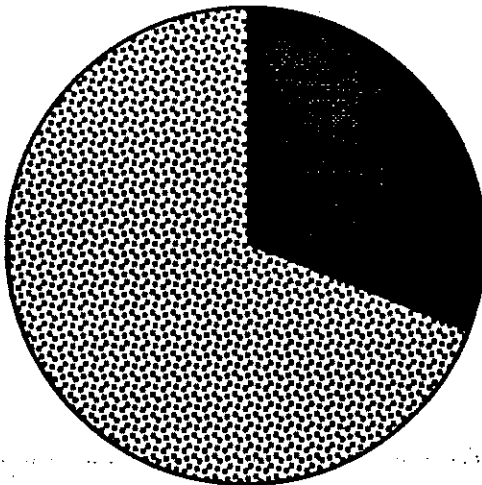
Blacks Shown Homes Below Price Range



■ Shown Below	28.6%
▨ Shown Requested Range	71.4%

Chart 14

Whites Shown Homes Below Price Range



■ Shown Below	31.3%
▨ Shown Requested Range	68.8%

3. Composite Analysis of Information Requests

The Commission analyzed a number of discreet issues a real estate agent could reasonably be expected to discuss with a prospective home buyer, such as income, family size and structure, available down payment and mortgage financing information. This data was also analyzed by race by site visit and by the tester's combined experience with a particular agent. This data indicated that black testers were somewhat less likely than white testers to be asked their marital status, occupation, spouse's occupation, and available down payment, but both groups of testers were generally treated similarly in terms of the issues discussed with real estate personnel.

4. Composite Analysis for Real Estate Procedures

The Commission found tremendous variation in the procedures used by real estate agencies and agents to respond to inquiries from potential home-seekers. These procedures varied considerably from agency to agency and from client to client, but not necessarily on a racial basis.

The procedures the Commission reviewed included the following:

- how agencies and agents responded to telephone and walk-in inquiries from potential home-seekers;
- how agents and agencies responded to requests to view specific properties or for service by specific agents;
- how, or whether, agents and agencies attempted to financially "qualify" potential home-seekers for specific home price ranges;
- how agents and agencies determined which houses to show prospective home-seekers and when to show them;
- what kinds of written materials (e.g., home descriptions, computer-generated lists of houses, multiple listings books, etc.) were presented to potential home-seekers and when were they presented;
- what questions were asked of potential home-seekers and when were they asked; and
- were potential home-seekers shown community amenities (e.g., parks, shopping areas, schools, etc.) and when were they shown them?

Tremendous variations were apparent when the data from all the tests were combined. A number of phone calls to some agencies were necessary before a tester could arrange an initial appointment. Other agencies responded quickly and courteously to the first call. Some agents would not show a home without first qualifying the tester financially. Others made appointments to show homes on the first phone contact, without attempting to obtain any financial information from a tester. Some agents bombarded testers with extensive computer-generated lists of houses for sale, while others provided detailed descriptions of only a small number of homes. Some agents showed testers a number of properties, others showed none. Some agents took the time to show testers neighborhood parks and schools, while other agents never left their offices with a tester. Other similar inconsistencies are described in detail in the summaries included in Appendix III.

The Commission's interest in such procedures is premised on three concerns. First, variations in office procedures can have the effect of discouraging minority home-seekers from pursuing the housing of their choice. Second, differences in office procedures within the same agency, or by the same agent with different clients, can have the purpose or effect of discriminating against minority home-seekers. Third, agents or agencies which intend to discriminate against minority home-seekers may

try to mask their discriminatory motivation behind such apparently neutral and random deviations in office procedures.

Fair housing laws generally prohibit practices that have a discriminatory impact, as well as all differences in treatment based on any protected class (e.g., by race, sex, age, etc.) no matter how benign the motivation. Also, neutral practices with a disproportionate impact on protected groups are generally prohibited even in the absence of an explicit intent to discriminate.²

Differences in treatment of minority home-seekers resulting from apparently innocent variations in office procedures can result in potential violations of the law. Variations in office procedures expose individual agencies and agents to potential liability if they have the purpose or effect of discriminating against members of a protected class.

B. Individual Test Results

As well as the "composite" analysis discussed above, the Commission also examined the experiences in the "individual tests" — the matched pairs or sets of black and white testers who visited the same real estate agent or agency. The Commission looked for potential violations of state and federal fair housing laws as evidenced in different treatment experienced by equally qualified white and black home-seekers.

Of the 13 valid tests, three (23%) presented preliminary evidence of both racial steering and other disparate treatment of minority testers. Other tests contained evidence of disparate treatment but were inconclusive because of the weight of the evidence, the invalidity of the test, or the failure to complete the test. Because two tests are the subject of discriminatory practices complaints filed with the Commission,³ individual test results are not discussed further in this context. Test summaries are attached to this report as Appendix III and readers can review the data presented.

Footnotes: Chapter 4

1. For purposes of this report, the term "shown" refers to situations in which a real estate agent accompanied a tester to physically view the inside and outside of a subject property. The term "offered" includes situations in which an agent drove by a property with a tester without viewing the inside of the premises, mentioned a property to a tester, or provided a written description of a property to a tester.
2. Betsey v. Turtle Creek Associates, 736 F.2d 983 (4th Cir. 1984); Southend Neighborhood Improvement v. County of St. Clair, 743 F.2d 1207 (7th Cir. 1984); Halet v. Wend Inv. Co., 672 F.2d 1305, 1311 (9th Cir. 1982); Robinson v. 12 Lofts Realty, Inc., 610 F.2d 1032, 1036-1038 (2d Cir. 1979); United States v. Mitchell, 580 F.2d 789, 791 (5th Cir. 1978); Resident Advisory Board v. Rizzo, 564 F.2d 126, 146-148 (3d Cir. 1977), cert. denied, 435 U.S. 908 (1978); Wharton v. Knefel, 562 F.2d 550, 555 (8th Cir. 1977); Metropolitan Housing Development Corp. v. Village of Arlington Heights, 558 F.2d 1283, 1287-1290 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978); Smith v. Anchor Bldg. Corp., 536 F.2d 231, 233 (8th Cir. 1976); United States v. City of Black Jack, 508 F.2d 1179, 1184-1185 (8th Cir. 1974), cert. denied, 422 U.S. 1042 (1975); Williams v. Matthews Company, 499 F.2d 819, 826 (8th Cir.), cert. denied, 419 U.S. 1021 (1974); United States v. Pelzer Realty Company, Inc., 484 F.2d 438, 443 (5th Cir. 1973), cert. denied, 416 U.S. 936 (1974); Smith v. Town of Clarkton, N.C., 682 F.2d 1055, 1065 (4th Cir. 1982). See also, Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977).
3. Each of the testers involved in this investigation received copies of his or her test results and was informed of his or her right to file discriminatory practices complaints with the Commission.

Chapter 5

Conclusions and Recommendations

Comprehensive conclusions from a composite analysis of the experiences of all of the minority testers versus those of all of the white testers are limited by the small sample size of 65 site visits, the limited geographic scope of the tests performed, and the seriously out-of-date 1980 census data upon which some of the statistical analysis was based. General pronouncements about the overall conduct of the Connecticut real estate industry cannot be based on 65 site visits performed for 27 tests almost exclusively in the Hartford area. Nonetheless, some conclusions can be drawn from this study, and additional steps can be taken to ensure that Connecticut's commitment to fair and open housing is a solid reality, and not an empty promise, for all its citizens.

This investigation revealed no pervasive pattern of overt denials of homes in white neighborhoods to black testers. If black testers asked to see homes in white communities, homes in such communities were generally made available to them. Black testers also experienced no overt acts of discrimination, such as outright refusals of service, by real estate professionals. Rather, the evidence suggests more subtle, if no less invidious, forms of discrimination, i.e. discrimination that results from an extra emphasis on certain neighborhoods or communities, a town or house not shown or mentioned to a prospective home buyer, an appointment not kept, a phone call not returned and other apparently benign but potentially discriminatory acts.

Analysis of the composite data disclosed a subtle pattern of racial steering. The data also indicated that black testers were less likely than white testers to be actually shown houses per site visit and per tester.

A more definitive conclusion regarding the pervasiveness of racial steering in the Hartford-area residential real estate market would require far more extensive testing than was possible with the resources available for this investigation. Formal findings of illegal discrimination and racial steering with regard to the individual agents and agencies tested can be made only within the context of the Commission's hearing process.

That said, the subtle pattern of directing home-seekers to different communities based on race disclosed by this investigation is most troubling and does not bode well for the elimination of segregated living patterns in the Hartford area. If continued long enough, and on a broad enough scale, such conduct would accelerate "white flight" and turn presently integrated communities into segregated ones.

The Commission also uncovered evidence that, as a group, black testers were treated differently and less favorably than white testers. The most obvious example was the frequency that a black tester would not be shown any property. Other differences, such as in the price range of houses shown, were also uncovered. This evidence further suggests an overall pattern of race as a factor in the treatment of home-seekers by some real estate professionals in the Hartford area.

Yet, another disturbing pattern was the tremendous variation in the procedures utilized by various real estate agencies and agents. Although these differences in treatment in this sample did not directly correspond to the race of the testers involved, they are still cause for concern. Such conduct may camouflage intentional discrimination and may have a disproportionate negative impact on minority home-seekers. It may also discourage minority home-seekers from utilizing the services of particular agents and agencies and may subject individual agents and agencies to potential liability for fair housing violations.

This study suggests that racial discrimination continues to be a problem in the Hartford-area residential real estate market. While the conduct of specific agents and agencies may not violate fair housing laws, the combined effect of their actions may

foster racial segregation and discourage racial integration. The following recommendations address these problems and could reverse these trends.

Additional fair housing training for real estate professionals is definitely needed. The Department's recently adopted regulation requiring mandatory continuing education in fair housing for real estate licensees may fulfill this need. Real estate agencies must understand the need for fair housing training and voluntarily provide it. Agents, in particular, need to be educated to provide equal service and equal housing choices to all potential home-seekers without regard to their race or other protected class status. Individual real estate agents must carefully examine how they go about choosing which houses and which communities they offer prospective clients to insure they are not perpetuating segregated living patterns or denying a full range of housing choices to all their clients — both white and minority.

The Department, the Commission and the real estate industry should develop fair housing guidance on model office procedures for implementation by the industry. A similar effort has been undertaken by the fair housing and real estate professionals in Pennsylvania. Each real estate agency would be encouraged to adopt procedures consistent with the model for use by all agents associated with that agency. The procedures would be posted in each office of the agency and a copy of the procedures would be made available to each customer. These steps would eliminate the potential for intentional or unintentional discrimination masked by a wide variation in procedures.

The Department and the Commission need to continue and to augment their fair housing enforcement activities. The recent passage of Public Act 90-246, the Connecticut Fair Housing Statute, has considerably increased the remedies available to a victim of housing discrimination and the penalties to be imposed on the perpetrator. Housing discrimination, given its devastating effect on the individual victim as well as society at large, can no longer be viewed as a cost of doing business for some. The imposition of financial penalties and the loss of required state licensing should prevent those who wish to continue to discriminate from continuing to do business.

This study has proven once again the importance of fair housing testing in uncovering and identifying potential housing discrimination problems. The practices uncovered during this investigation could not have been uncovered in any other way.

In addition to its efficacy in identifying and addressing potential fair housing violations, the deterrent effect of continued testing cannot be underestimated. If real estate professionals know they are potential subjects of testing they will be less likely to engage in discriminatory conduct and more likely to follow uniform procedures. They will also have a greater incentive to examine their neutral policies and practices for potential adverse impact on protected classes and integrated residency patterns and to provide fair housing training for their staffs. Such voluntary efforts on the part of the real estate industry can make a significant contribution to the elimination of invidious housing discrimination throughout Connecticut.

When all of Connecticut's citizens can truly choose the housing of their dreams without fear of discrimination, everyone benefits — the individual home-seeker, the real estate profession, and the community at large. Therefore, all of us have the responsibility to insure that the right to fair housing guaranteed by law becomes a practical reality for all.

Appendix I

Letter from Governor William A. O'Neill
Initiating this Investigation



WILLIAM A. O'NEILL
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD, CONNECTICUT 06106



May 23, 1989

The Honorable Mary Heslin
Department of Consumer Protection

Arthur Green, Executive Director
Commission on Human Rights and Opportunities

Dear Commissioner Heslin and Mr. Green:

The recent article in The Hartford Courant regarding "racial steering" practices by Hartford area real estate agencies presents a disturbing picture.

Based upon the allegations raised in the story, I believe it appropriate that your agencies cooperatively conduct an independent statewide investigation. This effort should be undertaken with a view towards ferreting out agencies engaged in these practices and determining whether there is a need for systemic changes.

I expect you to carry out these efforts expeditiously and to keep this office informed. There is no place in our society for practices of the kind described in the newspaper story.

As a state we must make every effort, working with the real estate industry, to see that the kinds of practices alleged are not pervasive and are rooted out where they exist.

Sincerely,

A handwritten signature in cursive script, appearing to read "Will. A. O'Neill".

WILLIAM A. O'NEILL
Governor

Appendix II

Fair Housing Law

The fair housing law applicable in Connecticut consists of State and federal statutes and regulations, and their judicial interpretations. This body of law is the basis for analyzing a potential fair housing problem in Connecticut. There are a number of fair housing statutes and regulations, and they prohibit a wide array of conduct. A given situation may violate several different state and federal statutory or regulatory provisions.

The focus of this report is on discriminatory real estate practices and, in particular, differential treatment of potential home-seekers because of race, including steering. Because this investigation was limited to the initial stages of the home purchase process, discrimination which may occur in the later financing and purchasing phases are outside the scope of this report. In addition, because this report is concerned only with discrimination on the basis of race, statutes which prohibited discrimination on other protected class bases, such as families with children (See CONN. GEN. STAT. §46a-64a), are not reviewed.

A. Connecticut Law

Connecticut's fair housing law underwent considerable revision in the 1990 Regular Session of the Connecticut General Assembly. During that session the Connecticut legislature passed Public Act 90-246 "An Act Adopting a Comprehensive Connecticut Fair Housing Statute Conforming to the Federal Fair Housing Act." The purpose of this Act, as its name implies, was to bring Connecticut's fair housing laws into conformance with Title VIII,¹ the preeminent federal fair housing statute, which was significantly amended in 1988. Just as the 1988 amendment to Title VIII clarified and expanded that statute, P.A. 90-246 has strengthened and clarified the coverage of Connecticut Law. Specifically, P.A. 90-246 has increased the statutory authority of the Commission to investigate fair housing complaints, raised the penalties for fair housing violations and set forth in detail the specific types of discriminatory conduct prohibited by Connecticut law.

Because the effective date of P.A. 90-246 was October 1, 1990, that Act was not directly applicable to the conduct which was the subject of this investigation because that conduct occurred before October 1, 1990. It is necessary, therefore, to review Connecticut law as it existed during the time period that the tests were conducted, because it is against that standard that the acts uncovered during this investigation must be judged. A copy of P.A. 90-246 is included as Attachment A for informational purposes.

1. The Connecticut Public Accommodations Statute

Prior to October 1, 1990, the Connecticut fair housing provisions were incorporated into a statute which addressed the more general problem of discrimination in public accommodations. At that time, the term "public accommodation" included various forms of housing as well as more traditional public accommodations. By definition, the prohibitions contained in the Public Accommodations Act, CONN. GEN. STAT. §46a-63, et seq., applied to public housing projects and all other forms of publicly assisted housing, any housing accommodation, commercial property or building lot on which it was intended that a housing accommodation or commercial building would be constructed or offered for sale or rent, and mobile home parks.

Section 46a-64, prior to its amendment, contained two separate, if overlapping, general prohibitions. A given situation could present a potential violation of either

prohibition or both. Subsection 46a-64(a)(1) prohibited the denial of full and equal accommodations. Subsection 46a-64(a)(2) prohibited discrimination, segregation or separation. The latter subsection was not expressly limited to places of public accommodation, resort or amusement.

Section 46a-64 is a remedial provision intended to further the general welfare and as such its prohibitions should be liberally construed.² This tenet of statutory construction is reinforced by the broad all-inclusive language of the statute.

2. Connecticut Deprivation of Rights Statute

The deprivation of any right, privilege or immunity secured or protected by the laws or constitutions of Connecticut, or of the United States, on account of religion, national origin, alienage, color, race, sex, blindness or physical disability is a violation of CONN. GEN. STAT. §46a-58. Two events must occur for there to be a violation of §46a-58: 1) there must be a deprivation of a right granted by Connecticut or federal law or constitutional provision, and 2) that deprivation must be on account of one of the protected class bases listed in the statute. Since a number of federal and Connecticut laws and constitutional provisions provide rights relating to housing, §46a-58 may be utilized to address a deprivation of any of these rights, as long as these conditions are met.

Most significantly, §46a-58 grants the Commission direct jurisdiction over the federal fair housing statutes and regulations discussed in the next section. Because the prohibitions contained in these federal statutes and regulations may be broader in certain respects than Connecticut's own fair housing provisions, §46a-58 represents a significant expansion of the Commission's statutory jurisdiction.

3. Real Estate Licensing Laws

Section 20-320 of the Connecticut General Statutes grants the Department of Consumer Protection, acting through the Connecticut Real Estate Commission, the authority to regulate the licensing of real estate brokers, salespersons, and appraisers in Connecticut. This authority includes the power to levy fines or suspend or revoke a real estate license for violations of the regulations issued by the Department.

Section 20-328-17 of the Department's regulations currently prohibits the practice of blockbusting. As of May 18, 1990, the Department adopted a new regulation, §20-328-4a, regarding discriminatory real estate practices. This regulation prohibits real estate licensees from denying equal professional services to any person, or from participating in a plan or agreement to discriminate against any person or persons, on the basis of race, creed, color, national origin, ancestry, sex, marital status, age, mental retardation, or mental or physical disability. It also prohibits licensees from violating any federal or state fair housing statute or regulation and from participating in blockbusting or steering. It further mandates that all real estate listing agreements contain a clause indicating that the agreement is subject to CONN. GEN. STAT. § 46a-64, the Connecticut Public Accommodation Act discussed previously.

Section 20-328-4a now puts real estate licensees on notice that violations of state and federal fair housing laws may subject them to license suspensions or revocations, and substantial fines. The definitions of the terms "blockbusting" and "steering" in the Department's regulation are closely modeled on the definitions of those terms in Title VIII and HUD's Title VIII interpretive regulations which will be discussed below. A copy of the Department's regulations appears as Attachment B.

B. Federal Law

Discrimination in housing and housing-related activities is also prohibited by a number of federal statutory provisions. A specific situation may present a potential violation of a number of these different statutes or of different sections of the same provision.

The federal statutes and regulations prohibiting housing discrimination, and the associated case law, are significant to the Commission for three reasons. First, the Commission has direct jurisdiction over these provisions pursuant to CONN. GEN. STAT. §46a-58. Thus the Commission can accept complaints which specifically allege a violation of one of these statutes or their interpretive regulations. Second, the Commission can analogize from the concepts and principles developed on the federal level when interpreting Connecticut's own fair housing statutes. Third, the Connecticut courts also look to analogous federal law when construing Connecticut's fair housing provisions.

1. Title VIII of the 1968 Civil Rights Act

The most comprehensive federal fair housing statute is Title VIII of the 1968 Civil Rights Act, 42 U.S.C. §3601, et seq. The prohibitions of Title VIII are very specific, explicit and detailed. Most of the significant prohibitions of Title VIII are contained in Section 804. A copy of Title VIII, including §804, is attached as Attachment C.

Title VIII clearly indicates that, "[i]t is the policy of the United States to provide within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. §3601. Federal courts have recognized that the policy of Title VIII is of the highest national priority and that its provisions should be liberally construed.³ Title VIII bars all discrimination, private and public, sophisticated as well as obvious, in the sale and rental of residential real property and is to be liberally interpreted to effectuate that purpose.⁴ Title VIII is intended to eliminate all artificial, arbitrary and unnecessary barriers to fair and open housing opportunities throughout the country.⁵ The "otherwise make unavailable or deny" language of Section 804(a) of Title VIII is a "catchall" and is as broad as Congress could have made it.⁶ Any action or non-action of a real estate agent or firm which interferes, discourages or delays someone from purchasing a dwelling on a prohibited class basis is a violation of Title VIII.⁷

2. 42 U.S.C. Section 1982

Housing discrimination is also prohibited by Section 1982 of the Civil Rights Act of 1866, 42 U.S.C. Section 1982. Although Section 1982 is more than a hundred years older than Title VIII, it was not until 1968, when the United States Supreme Court reversed earlier precedent and determined that Section 1982 applied to private as well as public conduct,⁸ that Section 1982 became an effective tool to combat housing discrimination. Unlike Title VIII, the statutory language of section 1982 is extremely concise and general. The section applies to the inheritance, purchase, lease, sale, holding and conveyance of real or personal property.

Section 1982 prohibits all racially motivated discrimination in the purchase of real estate.⁹ The section, in addition, applies to discrimination in negotiations associated with a home purchase.¹⁰ Because Section 1982 has none of the statutory exceptions contained in Title VIII, its coverage is broader for the protected classes covered than the latter provision. Federal courts have recognized that Title VIII and Section 1982 are independent and concurrent remedies for housing discrimination.¹¹

C. Laws Concerning Steering

As the above discussion illustrates, a number of state and federal provisions prohibit discrimination in housing on the basis of race. These laws clearly prohibit discriminatory treatment because of race including the outright refusal to sell or rent and discrimination in the terms and conditions of a sale or rental. But how does this panoply of state and federal rights apply to the specific form of disparate treatment known as steering? To resolve this question it is necessary to examine the provisions of state and federal fair housing law, and their judicial interpretations, in greater detail.

1. Connecticut Law

The Connecticut Public Accommodations Act did not explicitly address the issue of steering. The Public Accommodation Statute did, however, make it illegal to deny any person "full and equal accommodations in any place of public accommodation." CONN. GEN. STAT. §46a-64(a)(1). It also made it illegal "to discriminate, segregate, or separate on account of race...." CONN. GEN. STAT. § 46a-64(a)(2). Racial steering denies "full and equal accommodations" on the basis of race and "discriminates, segregates and separates on account of race" in violation of both subsections (a)(1) and (a)(2) of the Public Accommodations Act. The Commission's position that the Public Accommodations Act prohibited racial steering finds support in the recent decision of a Commission Hearing Officer in the case of Commission on Human Rights and Opportunities, ex rel. Cynthia Watts vs. Plaza Realty & Walter Fyler, CHRO No. 8710078 (12/20/89).

The application of Connecticut law to the practice of steering is now clarified by P.A. 90-246 since it specifically prohibits the provision of false information regarding the availability of dwellings and makes it illegal to restrict, or attempt to restrict, home renting or purchasing decisions because of race or other protected class bases. The Department has also helped clarify the situation by adopting an administrative regulation on steering which is closely patterned on a federal regulation construing Title VIII discussed below.¹²

2. Federal Law

"Steering" is not specifically mentioned in any of the statutory prohibitions of Title VIII. The federal courts, however, are in unanimous agreement that steering may violate several different provisions of Title VIII.¹³ The section of Title VIII most often cited by the federal courts in connection with invidious steering practices is §804(d). Section 804(d) prohibits real estate personnel from representing "that a dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available" and therefore guarantees every person the right to truthful information about the availability of dwellings for sale or rent.

Although the federal courts are in agreement that steering violates Title VIII, they have not adopted a consistent definition of the term. The United States Supreme Court has defined steering as the practice of "directing prospective home buyers interested in equivalent properties to different areas according to their race." Gladstone Realtors v. Village of Bellwood, 441 U.S. 91, 99 (1979). An often-cited lower federal court opinion on steering, Zuck v. Hussey, 394 F. Supp. 1028 (E.D. Mich. 1975), aff'd., 547 F.2d 1168 (6th Cir. 1977), defined the practice as "[t]he use of a word or phrase or action by a real estate broker or salesperson which is intended to influence the choice of a prospective property buyer on a racial basis."¹⁴ Other federal courts have focused less on the statements of real estate personnel and more on the racial composition of the neighborhoods black home-seekers were shown compared to the racial composition of the neighborhoods shown to white home-seekers or the racial composition of the neighborhoods the black home-seekers requested to see.¹⁵ In determining whether steering had occurred, other court decisions have examined the overall treatment of black home-seekers to see if they were subjected to additional screening procedures or were otherwise discouraged or delayed from applying for housing.¹⁶

Despite this lack of unanimity on the part of the federal courts in defining steering, two clear indicia of steering emerge from these decisions. The first is some act on the part of real estate personnel which is intended to influence, discourage, or limit the minority home-seeker's housing choice on account of race. The second is an action by real estate personnel which directs minority home-seekers to houses in neighborhoods with a larger minority population than the neighborhoods to which similarly situated white home-seekers are directed or which directs minority home-seekers to neighborhoods with a larger minority population than the neighborhoods the minority home-seekers originally requested to see.

These two elements — limiting housing choices and perpetuating segregated living patterns — are combined in the administrative regulations defining steering recently adopted by HUD to clarify the coverage of Title VIII and its recent amendments. These regulations make it unlawful,

(a) because of race, color, religion, sex, handicap, familial status, or national origin, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development. (24 CFR § 100.70(a))

These regulations go on to indicate that steering may include, but is not limited to, a statement or act which:

1. Discourages a person from inspecting or purchasing a dwelling because of race or because of the race of persons in a community, neighborhood, or development;
2. Discourages a person from purchasing a dwelling because of race by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling, community, neighborhood, or development;
3. Communicates to a prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race; or
4. Assigns any person to a particular section of a community, neighborhood or development because of race. 24 CFR §100.70(c).

As noted previously, the Commission has direct jurisdiction over these regulations pursuant to CONN. GEN. STAT. §46a-58.

Housing discrimination is clearly prohibited by both state and federal laws. While not explicitly stated, "steering" has been interpreted to fall within these prohibitions. Additionally, regulations issued by HUD and the Department specifically address steering. The provisions of Section 5(a) (4) of Public Act 90-246 now provides the most explicit statutory prohibition of steering.

Footnotes: Appendix II

1. 42 U.S.C. Section 3601, et. seq.
2. CHRO v. Evergreen, Commn. Pls. Dec. (Hfd. Cty., 4/26/77); CHRO v. Bolduc, Commn. Pls. Dec. (Hfd. Cty., 10/15/76); See also Burke v. Rosenthal, 27 Conn. Supp. 141 (1967) (Connecticut's discriminatory employment practices statutes should be liberally construed); J.G. Sutherland, Statutes and Statutory Construction, 4th Ed. (1972), Section 72.05.
3. U.S. v. Hughes Memorial Home, 396 F. Supp. 544 (W.D. Va. 1975); U.S. v. Real Estate Development Corp., 347 F. Supp. 776 (N.D. Miss. 1972). See also Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982); Gladstone Realtors v. Village of Bellwood, 441 U.S. 91 (1979); Trafficante v. Metropolitan Life Ins. Co., 409 U.S. 205 (1972).
4. U.S. v. Hunter, 459 F.2d 205 (4th Cir. 1972); cert denied, 409 U.S. 934 (1972); U.S. v. Henshaw Bros., 401 F. Supp. 399 (E.D. Va. 1974).
5. Resident Advisory Board v. Rizzo, 425 F. Supp. 987 (E.D. Pa. 1976), modified on other grounds, 564 F.2d 126 (3rd Cir. 1977), cert. denied, 435 U.S. 908 (1977); U.S. v. City of Parma, 494 F. Supp. 1049 (N.D. Ohio 1980), appeal dismissed, 633 F.2d 218 (6th Cir. 1980), cert. denied, 456 U.S. 926 (1982).
6. Zuch v. Hussey, 366 F. Supp. 553 (E.D. Mich. 1973); U.S. v. Youritan Constr. Corp., 370 F. Supp. 643 (N.D. Calif. 1973), aff'd. in part, remanded in part on other grounds, 509 F.2d 623 (9th Cir. 1975); Parma, supra.
7. U.S. v. Mitchell, 580 F.2d 789 (5th Cir. 1978); Williams v. Mathews Co., 499 F.2d 819 (8th Cir. 1974), cert. denied, 419 U.S. 1027 (1974) (burdensome application procedures); U.S. v. Reece, 457 F. Supp. 43 (D. Mont. 1978) (failure to consider alimony and child support payments in determining ability to pay rent); U.S. v. Pelzer Realty Co., 484 F.2d 438 (5th Cir. 1973) (grudging acceptance of blacks contrasted to enthusiastic salesmanship to whites); Youritan, supra, (burdensome application procedures).
8. Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968); See also Sullivan v. Little Hunting Park, 396 U.S. 229 (1969).
9. Meyers v. Pennypack Woods Home Ownership Ass'n., 559 F.2d 894 (3rd Cir. 1977) (Section 1982 applies to cooperatives); Fair Housing Council of Bergin Cty. v. Eastern Bergin Cty. Multiple Listing Service, 422 F. Supp. 1071 (D.N.J. 1976) (Section 1982 applies to racial steering); see also, Jones v. Alfred H. Mayer Co., supra.
10. Newbern v. Lake Lorell, Inc., 308 F. Supp. 407 (S.D. Ohio 1968).
11. Dillon v. AFBIC Dev. Corp., 597 F.2d 556 (5th Cir. 1979); Johnson v. Zaremba, 381 F. Supp. 165 (N.D. Ill. 1973); Lucas v. Hooper, 381 F. Supp. 1222 (M.D. Tenn. 1974); Gladstone Realtors, supra; Alfred Mayer, supra.
12. See Attachment B.
13. Heights Community Congress v. Hilltop Realty, Inc., 774 F.2d 135 (6th Cir. 1985), cert. denied, 475 U.S. ___ (1986); Watts v. Boyd Properties, Inc., 758 F.2d 1982 (11th cir. 1985); Johnson v. Jerry Pals Real Estate, 485 F.2d 528 (7th Cir. 1973); U.S. v.

Mitchell, supra.; Zuch v. Hussey, supra.; Berlin County, supra.; see also Havens Realty, supra.; and Gladstone Realty, supra.

14. Zuch v. Hussey, 394 F.Supp. at 1047.
15. Watts, supra.; Jerry Pals, supra.; and Fair Housing Council, supra.
16. Northside Realty Assoc., Inc. v. U.S., 605 F.2d 1348 (5th Cir. 1979).; Zuch, supra.; Heights Community Congress, supra.

Substitute House Bill No. 5958

PUBLIC ACT NO. 90-246

AN ACT ADOPTING A COMPREHENSIVE CONNECTICUT FAIR HOUSING STATUTE CONFORMING TO THE FEDERAL FAIR HOUSING ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (8) of section 46a-51 of the general statutes is repealed and the following is substituted in lieu thereof:

(8) "Discriminatory practice" means a violation of section 4a-60, 46a-58, 46a-59, 46a-60, 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, [46a-64a,] 46a-66, 46a-68, sections 46a-70 to 46a-78, inclusive, [or] subsection (a) of section 46a-80 OR SECTION 5 OF THIS ACT;

Sec. 2. Section 46a-63 of the general statutes, as amended by section 1 of public act 89-288, is repealed and the following is substituted in lieu thereof:

As used in this chapter:

(1) "Place of public accommodation, resort or amusement" means any establishment which caters or offers its services or facilities or goods to the general public, including, but not limited to, [(A) public housing projects and all other forms of publicly assisted housing, (B) any housing accommodation,] ANY commercial property or building lot, on which it is intended that a [housing accommodation or] commercial building will be constructed or offered for sale or rent; [, and (C) mobile manufactured home parks;]

(2) "Deaf person" means a person who cannot readily understand spoken language through hearing alone and who may also have a speech defect which renders his speech unintelligible to most people with normal hearing;

[(3) "Mobile manufactured home park" means a plot of ground upon which two or more mobile homes occupied for residential purposes are located;]

[(4)] (3) "Lawful source of income" means income derived from social security, supplemental security income, housing assistance, child support, alimony or public or general assistance.

Sec. 3. Section 46a-64 of the general statutes, as amended by section 2 of public act 89-21 and section 2 of public act 89-288, is

Substitute House Bill No. 5958

repealed and the following is substituted in lieu thereof:

(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation, mental disability or physical disability, including, but not limited to, blindness or deafness of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation or physical or mental disability, including, but not limited to, blindness or deafness; (3) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (4) to deny any blind, deaf or mobility impaired person, accompanied by his guide dog, full and equal access to any place of public accommodation, resort or amusement. Any blind, deaf or mobility impaired person may keep his guide dog with him at all times in such place of public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of the blind, deaf or mobility impaired person. The blind, deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog.

(b) (1) [The provisions of this section shall not apply (A) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations, or (B) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation, or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation. (2)] The provisions of this section with respect to the

Substitute House Bill No. 5958

prohibition of sex discrimination shall not apply to the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex. [(3)] The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of housing accommodations to a man and a woman who are both unrelated by blood and not married to each other. (4)] (2) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, [to federal or state-aided or municipal housing for elderly persons,] to special discount or other public or private programs to assist persons sixty years of age and older, [, or to privately owned housing, including mobile manufactured home parks, developed and maintained exclusively for persons within specified age groups. (5)] (3) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person, including, but not limited to blind or deaf persons, than for a person not physically disabled. [(6)] (4) The provisions of this section with respect to the prohibition of discrimination on the basis of creed shall not apply to the practice of granting preference in admission of residents into a nursing home as defined in section 19a-490, if (A) the nursing home is owned, operated by or affiliated with a religious organization, exempt from taxation for federal income tax purposes and (B) the class of persons granted preference in admission is consistent with the religious mission of the nursing home. [(7)] (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income.

(c) Any person who violates any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days or both.

Substitute House Bill No. 5958

Sec. 4. (NEW) As used in this section and section 5 of this act: (1) "Discriminatory housing practice" means any discriminatory practice specified in section 5 of this act.

(2) "Dwelling" means any building, structure, mobile manufactured home park 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, mobile manufactured home park or portion thereof.

(3) "Fair Housing Act" means Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

(4) "Family" includes a single individual.

(5) "Familial status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody with the written permission of such parent or other person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(6) "Housing for older persons" means housing: (A) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or (B) intended for, and solely occupied by, persons sixty-two years of age or older; or (C) intended and operated for occupancy by at least one person fifty-five years of age or older per unit in accordance with the standards set forth in the federal Fair Housing Act and regulations developed pursuant thereto by the Secretary of the United States Department of Housing and Urban Development.

(7) "Mobile manufactured home park" means a plot of land upon which two or more mobile manufactured homes occupied for residential purposes are located.

(8) "Physical or mental disability" includes, but is not limited to, mental retardation, as defined in section 1-1g of the general statutes and physical disability, as defined in subdivision

Substitute House Bill No. 5958

(15) of section 46a-51 of the general statutes and also includes, but is not limited to, persons who have a handicap as that term is defined in the federal Fair Housing Act.

(9) "Residential real estate-related transaction" means (A) the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling, or secured by residential real estate; or (B) the selling, brokering or appraising of residential real property.

(10) "To rent" includes to lease, to sublease, to let and to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 5. (NEW) (a) It shall be a discriminatory practice in violation of this section:

(1) 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, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, or familial status.

(2) 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, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, or familial status.

(3) 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, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability, or an intention to make any such preference, limitation or discrimination.

(4) (A) To represent to any person because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

Substitute House Bill No. 5958

(B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (1) to an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter, (2) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person and (3) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability.

(5) 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, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability.

(6) (A) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a physical or mental disability of: (i) Such buyer or renter; (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such buyer or renter.

(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 with such dwelling, because of a physical or mental disability of: (i) Such person; or (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such person.

(C) For purposes of this subdivision, discrimination includes: (i) A refusal to permit, at the expense of a person with a physical or mental disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary

Substitute House Bill No. 5958

to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; (iii) in connection with the design and construction of covered multi-family dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in such manner that they comply with the requirements of Section 804(f) of the Fair Housing Act or the provisions of the state building code as adopted pursuant to the provisions of sections 29-269 and 29-273 of the general statutes, whichever requires greater accommodation. "Covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(7) For any person or other entity engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability.

(8) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, 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, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability.

(9) 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 this section.

Substitute House Bill No. 5958

(b) (1) The provisions of this section shall not apply to (A) the rental of a room or rooms in a dwelling if the owner actually maintains and occupies part of such living quarters as his residence or (B) a unit in a dwelling containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other such living quarters as his residence. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of a dwelling to a man or a woman who are both unrelated by blood and not married to each other. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, to special discount or other public or private programs to assist persons sixty years of age and older or to housing for older persons as defined in section 4 of this act, provided there is no discrimination on the basis of age among older persons eligible for such housing. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of familial status shall not apply to housing for older persons as defined in section 4 of this act or to a unit in a dwelling containing units for no more than four families living independently of each other, if the owner of such dwelling resides in one of the units. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income. (6) The provisions of this section with respect to the prohibition of discrimination on the basis of sex shall not apply to the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex.

(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(d) Nothing in this section or section 4 of this act shall be construed to invalidate or limit any state statute or municipal ordinance that requires dwellings to be designed and constructed

Substitute House Bill No. 5958

in a manner that affords persons with physical or mental disabilities greater access than is required by this section or section 4 of this act.

(e) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability.

(f) Notwithstanding any other provision of chapter 814c of the general statutes, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the commission on human rights and opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.

(g) Any person who violates any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 6. Section 46a-54 of the general statutes, as amended by section 2 of public act 89-332, is repealed and the following is substituted in lieu thereof:

The commission shall have the following powers and duties:

(1) To establish and maintain such offices as the commission may deem necessary;

(2) To organize the commission into a division of affirmative action monitoring and contract compliance, a division of discriminatory practice complaints and such other divisions, bureaus or units as may be necessary for the efficient conduct of business of the commission;

(3) To employ a commission counsel who shall not be subject to the provisions of chapter 67;

(4) To appoint such investigators and other employees and agents as it deems necessary, fix their compensation within the limitations provided by law and prescribe their duties;

(5) To adopt, publish, amend and rescind regulations consistent with and to effectuate the provisions of this chapter;

Substitute House Bill No. 5958

(6) To establish rules of practice to govern, expedite and effectuate the procedures set forth in this chapter;

(7) To recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the policies of this chapter;

(8) To receive, initiate as provided in section 46a-82, investigate and mediate discriminatory practice complaints;

(9) By itself or with or by hearing officers, to hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question;

(10) To make rules as to the procedure for the issuance of subpoenas by individual commissioners and hearing officers;

(11) To require written answers to interrogatories under oath relating to any complaint under investigation pursuant to this chapter alleging any discriminatory practice as defined in subdivision (8) of section 46a-51, and to adopt regulations in accordance with the provisions of chapter 54 for the procedure for the issuance of interrogatories and compliance with interrogatory requests;

(12) To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed and with the cooperation of such agencies, (A) to study the problems of discrimination in all or specific fields of human relationships and (B) to foster through education and community effort or otherwise good will among the groups and elements of the population of the state;

(13) To require the posting by an employer, employment agency or labor organization of such notices regarding statutory provisions as the commission shall provide;

(14) To require the posting, [at any place of public accommodation, resort or amusement, as defined in section 46a-63] BY ANY RESPONDENT OR OTHER PERSON SUBJECT TO THE REQUIREMENTS OF SECTION 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, OR SECTION 5 OF THIS ACT, of such notices of statutory provisions as it deems desirable; and

Substitute House Bill No. 5958

(15) To enter into contracts for and accept grants of federal funds.

Sec. 7. Subsection (a) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Each state agency, department, board and commission shall develop and implement, in cooperation with the commission on human rights and opportunities, an affirmative action plan that commits the agency, department, board or commission to a program of affirmative action in all aspects of personnel and administration. Such plan shall be developed pursuant to regulations adopted by the commission on human rights and opportunities in accordance with chapter 54 to ensure that affirmative action is undertaken as required by state and federal law to provide equal employment opportunities and to comply with all responsibilities under the provisions of sections 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, AS AMENDED BY SECTION 3 AND 6 OF THIS ACT, SECTION 5 OF THIS ACT and sections 46a-70 to 46a-78, inclusive. The executive head of each such agency, department, board or commission shall be directly responsible for the development, filing and implementation of such affirmative action plan.

Sec. 8. Section 46a-74 of the general statutes is repealed and the following is substituted in lieu thereof:

No state department, board or agency may permit any discriminatory practice in violation of SECTION 46a-59 OR SECTION 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, OR SECTION 5 OF THIS ACT. [the Public Accommodations Act.]

Sec. 9. Section 46a-82 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person claiming to be aggrieved by an alleged discriminatory practice, except for an alleged violation of section 46a-68, AS AMENDED BY SECTION 7 OF THIS ACT, may, by himself or his attorney, make, sign and file with the commission a complaint in writing under oath, which shall state the name and address of the person alleged to have committed the discriminatory practice, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. AFTER THE FILING OF A COMPLAINT PURSUANT TO THIS SUBSECTION, THE COMMISSION SHALL SERVE UPON THE PERSON CLAIMING TO BE AGGRIEVED A

Substitute House Bill No. 5958

NOTICE THAT: (1) ACKNOWLEDGES RECEIPT OF THE COMPLAINT AND (2) ADVISES OF THE TIME FRAMES AND CHOICE OF FORUMS AVAILABLE UNDER THIS CHAPTER.

(b) The commission, whenever it has reason to believe that any person has been engaged or is engaged in a discriminatory practice, may issue a complaint except for a violation of subsection (a) of section 46a-80.

(c) The commission may issue a complaint if: (1) An affirmative action plan filed pursuant to section 46a-68, AS AMENDED BY SECTION 7 OF THIS ACT, is in violation of any of the provisions of section 4-61u or 4-61w, sections 46a-54 to 46a-64, inclusive, AS AMENDED BY SECTIONS 3 AND 6 OF THIS ACT, SECTION 5 OF THIS ACT or sections 46a-70 to 46a-78, inclusive; or (2) an agency, department, board or commission fails to submit an affirmative action plan required under section 46a-68, AS AMENDED BY SECTION 7 OF THIS ACT.

(d) Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of section 46a-60, may file with the commission a written complaint under oath asking for assistance by conciliation or other remedial action.

(e) Any complaint filed pursuant to this section must be filed within one hundred and eighty days after the alleged act of discrimination except that any complaint by a person claiming to be aggrieved by a violation of subsection (a) of section 46a-80 must be filed within thirty days of the alleged act of discrimination.

Sec. 10. Subsection (a) of section 46a-83 of the general statutes, as amended by section 4 of public act 89-332, is repealed and the following is substituted in lieu thereof:

(a) [After] WITHIN TEN DAYS AFTER the filing of any discriminatory practice complaint, OR AN AMENDMENT ADDING AN ADDITIONAL RESPONDENT, the commission shall cause the complaint to be served upon the respondent [who may] TOGETHER WITH A NOTICE (1) IDENTIFYING THE ALLEGED DISCRIMINATORY PRACTICE, AND (2) ADVISING OF THE PROCEDURAL RIGHTS AND OBLIGATIONS OF A RESPONDENT UNDER THIS CHAPTER. THE RESPONDENT MAY file a written answer to the complaint under oath with the commission within fifteen days of receipt of the complaint, PROVIDED THE ANSWER TO ANY COMPLAINT ALLEGING A VIOLATION OF SECTION 5 OF THIS ACT MAY BE FILED WITHIN TEN DAYS OF RECEIPT. The chairman of the

Substitute House Bill No. 5958

commission shall refer the same to a commissioner or investigator to investigate and determine if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. The commission may conduct fact-finding conferences during the investigatory process for the purpose of finding facts and promoting the voluntary resolution of complaints. As used in this section and section 46a-84, as amended by section 5 of [this act] PUBLIC ACT 89-332, reasonable cause means a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint.

Sec. 11. Subsection (c) of section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) In addition to any other action taken hereunder, upon a finding of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, or [46a-64a] SECTION 5 OF THIS ACT, the presiding officer shall determine the damage suffered by the complainant, which damage shall include but not be limited to the expense incurred by the complainant for obtaining alternate housing or space, storage of goods and effects, moving costs [, attorney's fees] and other costs actually incurred by him as a result of such discriminatory practice AND SHALL ALLOW REASONABLE ATTORNEY'S FEES AND COSTS.

Sec. 12. Subsection (b) of section 46a-89 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) (1) Whenever a complaint is filed with or by the commission pursuant to section 46a-82 alleging a violation of section 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, or [46a-64a] SECTION 5 OF THIS ACT concerning the sale or rental of [housing accommodations] A DWELLING or commercial property, and a commissioner believes upon review and the recommendation of the investigator assigned, that equitable relief is required OR THAT THE IMPOSITION OF PUNITIVE DAMAGES OR A CIVIL PENALTY WOULD BE APPROPRIATE, the commissioner may bring a petition [in equity] in the superior court in the judicial district in which the discriminatory practice which is the subject of the complaint occurred or in the judicial district in which the respondent resides.

Substitute House Bill No. 5958

(2) The petition shall (A) seek appropriate injunctive relief against the respondent, including orders or decrees restraining and enjoining him from selling or renting to anyone other than the complainant or otherwise making unavailable to the complainant any [housing accommodations] DWELLING or commercial property with respect to which the complaint is made, pending the final determination of proceedings on such complaint, or (B) seeking an award of [double] damages based on the [findings made] REMEDIES AVAILABLE under section [46a-86] 46a-86c AND AN AWARD OF PUNITIVE DAMAGES PAYABLE TO THE COMPLAINANT, not to exceed [three] FIFTY thousand dollars, or (C) SEEKING A CIVIL PENALTY PAYABLE TO THE STATE AGAINST THE RESPONDENT TO VINDICATE THE PUBLIC INTEREST: (i) IN AN AMOUNT NOT EXCEEDING TEN THOUSAND DOLLARS IF THE RESPONDENT HAS NOT BEEN ADJUDGED TO HAVE COMMITTED ANY PRIOR DISCRIMINATORY HOUSING PRACTICE; (ii) IN AN AMOUNT NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED ONE OTHER DISCRIMINATORY HOUSING PRACTICE DURING THE FIVE-YEAR PERIOD PRIOR TO THE DATE OF THE FILING OF THIS COMPLAINT; AND (iii) IN AN AMOUNT NOT EXCEEDING FIFTY THOUSAND DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED TWO OR MORE DISCRIMINATORY HOUSING PRACTICES DURING THE SEVEN-YEAR PERIOD PRIOR TO THE DATE OF THE FILING OF THE COMPLAINT; EXCEPT THAT IF THE ACTS CONSTITUTING THE DISCRIMINATORY HOUSING PRACTICE THAT IS THE OBJECT OF THE COMPLAINT ARE COMMITTED BY THE SAME NATURAL PERSON WHO HAS BEEN PREVIOUSLY ADJUDGED TO HAVE COMMITTED ACTS CONSTITUTING A DISCRIMINATORY HOUSING PRACTICE, THEN THE CIVIL PENALTIES SET FORTH IN SUBPARAGRAPHS (ii) AND (iii) MAY BE IMPOSED WITHOUT REGARD TO THE PERIOD OF TIME WITHIN WHICH ANY SUBSEQUENT DISCRIMINATORY HOUSING PRACTICE OCCURRED OR (D) seeking [both] TWO OR MORE OF THESE remedies.

(3) Upon service on the respondent of notice pursuant to section 46a-89a, the respondent shall be temporarily restrained from selling or renting the [housing accommodations] DWELLING or commercial property which [are] IS the subject of the complaint to anyone other than the complainant until the court or judge has decided the petition for temporary injunctive relief, and the notice shall so provide.

Substitute House Bill No. 5958

Sec. 13. Subsection (b) of section 46a-90a of the general statutes is repealed and the following is substituted in lieu thereof:

(b) When the hearing officer finds that the respondent has engaged in any discriminatory practice prohibited by section 46a-60, 46a-64, AS AMENDED BY SECTION 3 OF THIS ACT, or [46a-64a] SECTION 5 OF THIS ACT and grants relief on the complaint, which relief requires that such temporary injunction remain in effect, the commission chairperson may, through the procedure outlined in subsection (a) of section 46a-95, petition the court which granted the original temporary injunction to make the injunction permanent.

Sec. 14. Section 46a-98a of the general statutes is repealed and the following is substituted in lieu thereof:

[In lieu of, but not in addition to, filing and pursuing a complaint with the commission on human rights and opportunities pursuant to section 46a-82, any] ANY person claiming to be aggrieved by a violation of section [46a-64a] 5 OF THIS ACT OR BY A BREACH OF A CONCILIATION AGREEMENT ENTERED INTO PURSUANT TO THIS CHAPTER, may bring an action in the superior court, or the housing session of said court if appropriate WITHIN ONE YEAR OF THE DATE OF THE ALLEGED DISCRIMINATORY PRACTICE OR OF A BREACH OF A CONCILIATION AGREEMENT ENTERED INTO PURSUANT TO THIS CHAPTER. NO ACTION PURSUANT TO THIS SECTION MAY BE BROUGHT IN THE SUPERIOR COURT REGARDING THE ALLEGED DISCRIMINATORY PRACTICE AFTER THE COMMISSION HAS OBTAINED A CONCILIATION AGREEMENT PURSUANT TO SECTION 46a-83, AS AMENDED BY SECTION 10 OF THIS ACT, OR COMMENCED A HEARING PURSUANT TO SECTION 46a-84, EXCEPT FOR AN ACTION TO ENFORCE THE CONCILIATION AGREEMENT. The court shall have the power to grant relief, by injunction or otherwise, as it deems just and suitable. In addition to the penalties provided for under subsection [(c)] (g) of section [46a-64a] 5 OF THIS ACT, the court may grant any relief which a hearing officer may grant in a proceeding under section 46a-86, AS AMENDED BY SECTION 11 OF THIS ACT, or which the court may grant in a proceeding under section 46a-89, AS AMENDED BY SECTION 12 OF THIS ACT. THE COMMISSION, THROUGH ITS COUNSEL OR THE ATTORNEY GENERAL, MAY INTERVENE AS A MATTER OF RIGHT IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION.

Substitute House Bill No. 5958

Sec. 15. Section 46a-64a of the general statutes is repealed.

Certified as correct by

Legislative Commissioner.

Clerk of the Senate.

Clerk of the House.

Approved _____, 1990.

Governor, State of Connecticut

IMPORTANT: Read instructions on bottom of
Certification Page before completing this
form. Failure to comply with instructions
may cause disapproval of proposed
Regulations.

STATE OF CONNECTICUT
REGULATION
OF

Page 1 of 11 pages

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION
REAL ESTATE BROKERS AND SALESMEN

SECTION _____

Section 1. The Regulations of Connecticut State Agencies are amended by adding new Sections 20-328-1a to 20-328-10a as follows:

(NEW) 20-328-1a Definitions

For purposes of Sections 20-328-1a through 20-328-10a, the following terms shall have the meanings indicated:

(a) "blockbusting" means to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, religion, color, national origin, ancestry, sex, familial status, marital status, age, mental retardation or physical or mental disability, including but not limited to blindness or deafness;

(b) "broker" or "real estate broker" means "real estate broker" as this term is defined by Connecticut General Statutes, Section 20-311(1), as amended;

(c) "licensee" means "real estate broker" or "real estate salesman" as these terms are defined by Connecticut General Statutes, Section 20-311(1) and (2);

(d) "net listing" means a listing contract in which the broker receives as a commission all excess moneys over and above the minimum sales price agreed upon by the broker and seller;

(e) "salesman" or "real estate salesman" means "real estate salesman" as this term is defined by Connecticut General Statutes, Section 20-311(2); and

(f) "steering" means to restrict or attempt to restrict because of race, creed, religion, color,

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

national origin, ancestry, sex, familial status, marital status, age, mental retardation or physical or mental disability, including but not limited to blindness or deafness, the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development.

(NEW) Sec. 20-328-2a Duties to Parties

(a) A licensee shall not undertake to provide professional services concerning a property or its value where the licensee has a present or contemplated interest unless such interest is specifically disclosed to all affected parties.

(b) A licensee shall not acquire an interest in or buy for himself or herself, any member of the licensee's immediate family, the licensee's firm or any member thereof, or any entity in which the licensee has a substantial ownership interest, property listed with the licensee, without disclosing to the listing owner the licensee's relationship to the purchaser. In selling property owned by the licensee or in which the licensee has any interest, the licensee shall reveal the extent of his or her ownership or interest to the purchaser.

(c) If a licensee is acting for more than one party in a transaction, the licensee shall disclose that fact promptly to all parties for whom the licensee acts.

(d) A licensee accepting an exclusive right to sell or lease listing or an exclusive agency to sell or

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

lease listing shall make a diligent effort to sell or lease the property listed.

(e) No licensee shall submit to an owner a written offer to purchase or lease real property unless either (1) such offer contains the essential terms and conditions of the offer, including the manner in which the purchase is to be financed; or (2) such offer is conditioned upon the later execution of a bond for deed or complete agreement for sale. No licensee shall submit to an owner a written agreement or a bond for deed for the sale of real estate which contains a mortgage contingency clause which conditions the purchaser's performance on obtaining a mortgage from a third party unless the contingency clause includes at least the following: (1) the principal amount of the mortgage the purchaser must obtain; (2) the time period within which the mortgage commitment must be obtained; and (3) the term of years of the mortgage.

(f) In furtherance of the fiduciary duty owed to the seller or owner of listed property, the listing real estate broker shall submit all offers to the seller or owner as quickly as possible. Unless the listing real estate broker and the seller or owner agree otherwise, the listing real estate broker shall not be obligated to continue to market the property after an offer has been accepted. After the acceptance of an offer, the listing real estate broker shall advise any other offerors that an offer on the listed property has been accepted.

(g) No licensee shall negotiate or attempt to negotiate the sale, exchange or lease of any real property directly with an owner or lessor knowing that such owner or lessor has an outstanding exclusive right

STATE OF CONNECTICUT
REGULATION
 OF

NAME OF AGENCY
 DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

to sell or lease listing or an exclusive agency to sell or lease listing with another licensee covering the same property, except that if after diligent effort a licensee is unable to contact the listing licensee, a licensee may submit an offer or communicate with the owner or lessor of the listed property acting as a subagent for the listing broker.

(h) No signs shall be placed on any property for its sale or lease without the consent of the owner or the lessor, or his or her duly authorized agent or fiduciary.

(i) In the sale or lease of property which is exclusively listed with a real estate broker pursuant to an exclusive right to sell or lease listing or an exclusive agency to sell or lease listing, the broker shall utilize the services of other real estate brokers upon mutually agreed upon terms when it is in the best interests of the party or parties for whom the broker is acting.

(NEW) Sec. 20-328-3a Duty to Cooperate

A licensee shall cooperate with department staff if the licensee is contacted in connection with an investigation performed by the Department of Consumer Protection concerning possible violations of real estate statutes or regulations. A licensee shall not make any untruthful or misleading statements in connection with any Department of Consumer Protection or Real Estate Commission investigation or hearing.

(NEW) Sec. 20-328-4a Discrimination and Fair Housing

(a) A licensee shall neither deny equal professional services to any person nor be party to any

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

plan or agreement to discriminate against a person or persons on the basis of race, creed, color, national origin, ancestry, sex, marital status, age, mental retardation, mental disability, or physical disability, including, but not limited to, blindness or deafness. A licensee shall not violate any federal or state fair housing statute or regulation.

(b) No licensee shall participate in activities which constitute blockbusting or steering.

(c) A licensee shall place in all listing agreements a statement in the following form: This agreement is subject to Section 46a-64 of the Connecticut General Statutes (discriminatory public accommodations practices).

(NEW) Sec. 20-32b-5a Misrepresentation, Disclosure and Advertising

(a) A licensee shall not misrepresent or conceal any pertinent facts in any transaction.

(b) No licensee shall misrepresent the actual selling price of real estate to any lender or any other interested party, either verbally or through the preparation of a false sales contract.

(c) A real estate broker shall exercise diligence at all times in obtaining and presenting accurate information in the broker's advertising and representations to the public. No broker shall advertise to sell, buy, exchange, rent or lease the property of another in a manner indicating the offer to sell, buy, exchange, rent or lease such property is being made by a private party not engaged in the real estate business. The real estate broker shall neither advertise without disclosing the broker's name nor

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

permit any person associated with the broker to use individual names, telephone numbers or mailing addresses, to the exclusion of the name of such broker.

(NEW) Sec. 20-328-6a Agreements

(a) Before a licensee attempts to negotiate a sale, exchange, purchase or lease of real estate on behalf of another, the licensee shall enter into a listing agreement with the party or parties for whom he or she will act. All listing agreements shall be in writing, properly identifying the property and containing all of the terms and conditions of the sale or lease, including the commission to be paid, the date on which the listing agreement is entered into and the expiration date. The listing agreement shall be signed by the owner or an agent authorized to act on behalf of the owner only by a written document executed in the manner provided for conveyances in Connecticut General Statutes, Section 47-5, and by the broker or his authorized agent. The type of listing shall be clearly indicated in the listing agreement. The licensee shall deliver immediately a copy of any listing agreement to any party or parties executing the same, where such listing agreement has been prepared by such licensee or under his or her supervision and where such listing agreement relates to a real estate transaction with which the licensee is associated as a broker or a salesman.

(b) For all instruments other than listing agreements, the licensee, for the protection of all parties, shall use his or her best efforts to assure that all contractual commitments regarding real estate transactions with which the licensee is associated are

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

in writing, dated, and express the agreement of the parties. The licensee shall deliver immediately a copy of any such instrument to any party or parties executing the same, where such instrument has been prepared by such licensee or under his or her supervision and where such instrument relates to a real estate transaction with which the licensee is associated as a broker or a salesman.

(c) No licensee shall accept or enter into a net listing. In cases where the owner or the lessor wishes to list in this manner, the agreed upon fee shall be added and listings made in the usual manner.

(NEW) Sec. 20-328-7a Deposits

(a) When a licensee receives a deposit or other moneys with respect to any transaction in which he or she is engaged on behalf of the real estate broker with whom he or she is affiliated, the licensee shall promptly pay over the deposit or other moneys to such real estate broker.

(b) Any real estate broker who, in the course of his or her real estate business and in connection with any transaction, accepts from any principal, client or other person any moneys, to which he or she is not personally and legally entitled, including but not limited to any down payment, earnest money, deposit, rental money or other money to be held by him or her in trust, shall deposit such moneys in an escrow or trust account in a bank doing business in the State of Connecticut. Any such escrow or trust account shall be a demand, noninterest-bearing account, unless the party or parties for whom the account is held agree otherwise in writing or unless otherwise required by law.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

(NEW) Sec. 20-328-8a Commissions and Compensation

(a) No licensee shall demand a commission unless reasonable cause for payment of the commission exists.

(b) When an owner or a lessor wrongfully fails or is unable to consummate a transaction, the real estate broker has no right to any portion of the money, if any, deposited with the real estate broker by the purchaser or the lessee, even though a commission may have been earned.

(c) While engaging in the real estate business, a licensee shall not accept any commission, rebate, or profit on expenditures made for his or her owner or lessor, without the knowledge and consent of the owner or lessor.

(d) A licensee shall not accept compensation from more than one party without the full knowledge of all parties to the transaction.

(e) No licensee shall offer, promise, allow, give, pay or rebate, directly or indirectly, any part or share of his or her commission or compensation arising or accruing from any real estate transaction to any person who is engaging in the real estate business and who is not licensed as a real estate broker or real estate salesman.

(f) If a licensee receives or is awarded any compensation with respect to any transaction in which he or she is engaged on behalf of the real estate broker with whom he or she is affiliated, the licensee shall promptly pay over or assign such compensation to such real estate broker.

(g) In a cooperative real estate transaction, a real estate broker shall compensate the cooperating

STATE OF CONNECTICUT
REGULATION
 OF

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

real estate broker and shall not compensate nor offer to compensate, directly or indirectly, any of the real estate salesmen or brokers employed by or affiliated with the cooperating real estate broker without the prior express knowledge and consent of the cooperating broker.

(NEW) Sec. 20-328-9a Interference with Agency or Contract Relationship

(a) A licensee shall not engage in any practice or take any action which interferes with the agency relationship of another licensee.

(b) No licensee shall induce or attempt to induce any party to a contract of sale or lease of real property to breach or terminate such contract for the purpose of substituting in lieu thereof a new contract with another principal.

(c) No licensee shall induce or attempt to induce an owner or a lessor of property to breach or terminate an exclusive right to sell or lease listing or an exclusive agency to sell or lease listing for the purpose of substituting in lieu thereof a new listing contract.

(NEW) Sec. 20-328-10a Brokers and Salesmen

(a) Upon termination of his or her employment or affiliation with a real estate broker, a licensee shall immediately turn over to such broker any and all information and records obtained during his or her employment or affiliation, whether such information or records were originally given by his or her broker or copied from the records of such employing broker or acquired by the licensee during his or her employment or affiliation.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

SECTION _____

(b) Upon the termination of the employment or affiliation of a licensee with a real estate broker, the real estate broker shall give the licensee, within ten days of said termination, a written accounting setting forth all pending listings, transactions and commissions in which the licensee was involved.

Section 2. Sections 20-328-1 through 20-328-26 of the Regulations of Connecticut State Agencies are repealed.

Statement of Purpose: To revise and update regulations concerning real estate brokers and salesmen; and to repeal organizational and procedural regulations which are outdated or which have been superseded by other regulations.

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 20-328 of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on September 12, 1989, of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on 19th day of October 1989

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____ 19____.

In Witness Whereof:	DATE February 14, 1990	SIGNED (Name in Print, Address or Commission) <i>Mary M. Hecker</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
---------------------	---------------------------	--	---

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
---	--------	---------------------------------

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

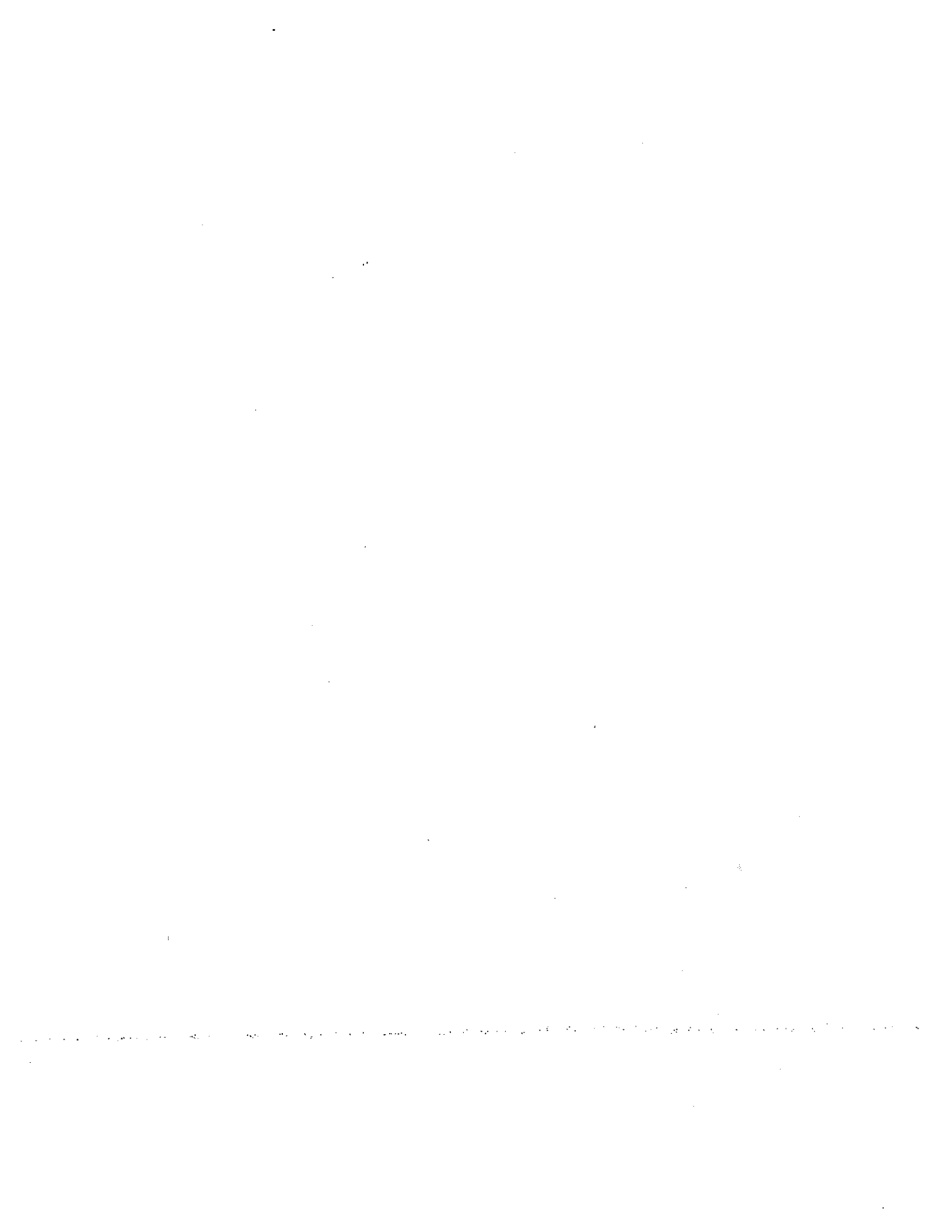
By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Chair of the Legislative Regulation Review Committee)
--	------	---

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.



[§3350]

CIVIL RIGHTS ACT OF 1968

[Act of 4-11-68, P.L. 90-284, as amended by L. 1988, P.L. 100-430, eff. 3-12-89; U.S.C. Title 42, §§ 3601-3619; § 3631]

TITLE VIII—FAIR HOUSING

SUBCHAPTER I—GENERALLY

Sec.		§
800	Short title	3350
801	Declaration of policy	3351
802	Definitions	3352
803	Effective dates of certain prohibitions	3353
804	Discrimination in the sale or rental of housing and other prohibited practices.....	3354
805	Discrimination in residential real estate-related transactions ...	3355
806	Discrimination in the provision of brokerage services	3356
807	Exemption	3357
808	Administration	3358
809	Education and conciliation	3359
810	Administrative enforcement; preliminary matters	3360
811	Subpoenas; giving of evidence	3361
812	Enforcement by secretary	3362
813	Enforcement by private persons	3363
814	Enforcement by the attorney general	3364
815	Rules to implement title	3365
816	Effect on state laws	3366
817	Cooperation with state agencies administering fair housing laws	3367
818	Interference, coercion, or intimidation	3368
819	Appropriations	3369
820	Separability of provisions	3370

SUBCHAPTER II—PREVENTION OF INTIMIDATION

901	Violations; penalties	3370
-----	-----------------------------	------

[§ 3350] § 800. Short title.—This title may be cited as the "Fair Housing Act."

[§ 3351] § 801. Declaration of policy.—It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. [42 U.S.C. 3601]

[§ 3352] § 802. 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 cases under Chapter 11, 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 804, 805, 806, or 818 of this title.¹

(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. [42 U.S.C. 3602] (Last amended P.L. 45-598, 11-6-78).

²(h) "Handicap" means, with respect to a person—

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(i) "Aggrieved persons" includes any person who—

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) "Complainant" means the person (including the Secretary) who files a complaint under section 810.

(k) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with—

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(n) "Respondent" means—

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).

(o) "Prevailing party" has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988). (Amended by L. 1988, P.L. 100-430, eff. 3-12-88.)

[§ 3353] § 803. Effective dates of certain prohibitions.—(a) Subject to the provisions of subsection (b) of this section and section 807 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 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

[Footnote § 3352]

(1) Italicized words are new matter added by L. 1988, P.L. 100-430, eff. 3-12-89.

(2) Italicized words are new matter added by L. 1988, P.L. 100-430, eff. 3-12-89.

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) Nothing in section 804 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 title 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 804(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) For the purposes of subsection (b), 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. [42 U.S.C. 3603]

[3354] § 804. Discrimination in sale or rental of housing and other prohibited practices.—As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 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, sex, *familial status*, 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, sex, *familial status*, or national origin.

[Footnote § 3354]

(1) to (2) Italicized words are new matter added by L. 1988 P.L. 100-430, eff. 3-12-89.

(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, sex, *handicap*, *familial status*, 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, sex, *handicap*, *familial status*, 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, sex, *handicap*, *familial status*, or national origin. [42 U.S.C. 3604] (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

(A) that buyer or renter.

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) 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 with such dwelling, because of a handicap of—

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes—

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that—

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

(I) an accessible route into and through the dwelling;

(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people

[Footnote 3354 continued]

(3) to (5) Italicized words are new matter added by L. 1988 P.L. 100-430, eff. 3-12-89.

(6) Subpar. (f) is added by L. 1988, P.L. 100-430, eff. 3-12-89.

(commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this title shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 810(f)(3) of this Act to receive and process complaints or otherwise engage in enforcement activities under this title.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this title.

(7) As used in this subsection, the term 'covered multifamily dwellings' means—

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. (Amended L. 1988, P.L. 100-430, eff. 3-12-89.)

[§ 3355] § 805. Discrimination in residential real estate-related transactions.—(a) In general.—It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) Definition.—As used in this section, the term "residential real estate-related transaction" means any of the following:

[Footnote § 3355]

(1) Sec. 805 is amended radically and new matter that is italicized will take effect on 3-12-89. Current provision, which is effective until then reads: "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, sex, 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 803(b) of this title." [42 U.S.C. 3605]

(1) *The making or purchasing of loans or providing other financial assistance—*

(A) *for purchasing, constructing, improving, repairing, or maintaining a dwelling; or*

(B) *secured by residential real estate.*

(2) *The selling, brokering, or appraising of residential real property.*

(c) *Appraisal exemption.—Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)*

[§ 3356] § 806. *Discrimination in 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, organization, 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, sex, handicap, familial status, or national origin.* [42 U.S.C. 3606] *(Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)*

[§ 3357] § 807. *Exemption.—(a) 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 dwelling 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.* [42 U.S.C. 3607]

(b)(1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing for older persons.

(2) *As used in this section, "housing for older persons" means housing—*

(A) *provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or*

(B) *intended for, and solely occupied by, persons 62 years of age or older; or*

(C) *intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Secretary shall develop regulations which require at least the following factors:*

(i) *the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and*

(ii) *that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and*

(iii) *the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.*

(3) *Housing shall not fail to meet the requirements for housing for older persons by reason of:*

[Footnote § 3356]

(1) *Italicized words are added by L. 1988, P.L. 100-430, eff. 3-12-89.*

[Footnote § 3357]

(1) *New matter in italics is added by P.L. 100-430, eff. 3-12-89.*

(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C): Provided, That new occupants of such housing meet the age requirements of subsections (2)(B) or (C); or

(B) unoccupied units: Provided, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).

(4) Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802). (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

¶ 3358 § 808. Administration.—(a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

• • •

(c) 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 title. 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, 3344, 5362, and 7521 of title 5 of the United States Code. 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.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.¹

(e) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory 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; including an annual report to the Congress:

(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which—

(i) investigations are not completed as required by section 810(a)(1)(B);

(ii) determinations are not made within the time specified in section 810(g); and

(iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g);² (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

(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;

¶ 3358

(1) New matter in italics is added by P.L. 100-430, eff. 3-12-89.

(2) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89.

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and [42 U.S.C. 3608]

(6)¹ annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries of potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).

(f)² The provisions of law and Executive orders to which subsection (e)(6) applies are—

- (1) title VI of the Civil Rights Act of 1964;
- (2) title VIII of the Civil Rights Act of 1968;
- (3) section 504 of the Rehabilitation Act of 1973;
- (4) the Age Discrimination Act of 1975;
- (5) the Equal Credit Opportunity Act;
- (6) section 1978 of the Revised Statutes (42 U.S.C. 1982);
- (7) section 8(a) of the Small Business Act;
- (8) section 527 of the National Housing Act;
- (9) section 109 of the Housing and Community Development Act of 1974;
- (10) section 3 of the Housing and Urban Development Act of 1968;
- (11) Executive orders 11063, 11246, 11625, 12250, 12259, and 12432; and
- (12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection. (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

[§ 3359] § 809. Education and conciliation.—Immediately after April 11, 1968, the Secretary shall commence such educational 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. [42 U.S.C. 3609]

[§ 3360] § 810 'Administrative enforcements; preliminary matters.—(a) Complaints and answers.—(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

(B) Upon the filing of such a complaint—

(3) Subpar. (6) is added by L. 1988, P.L. 100-430, eff. 3-12-89.

(4) Subpar. (f) is added by L. 1988, P.L. 100-430, eff. 3-12-89.

[Footnote § 3360]

(1) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89. Current § 810, which is effective until 3-12-

(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;

(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;

(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect

[Footnote ¶ 3360 continued]

§810. Enforcement.—(a) 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) 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) 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) 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 title, 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 has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory 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 812 of this title, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

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

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812 of this title, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance. [42 U.S.C. 3610]"

to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative report and conciliation.—(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.

(5)(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing—

(i) the names and dates of contacts with witnesses;

(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

(iii) a summary description of other pertinent records;

(iv) a summary of witness statements; and

(v) answers to interrogatories.

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to comply with conciliation agreement.—Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

(d) Prohibitions and requirements with respect to disclosure of information.—(1) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt judicial action.—(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.

(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections § 814(a) and § 814(c) or

for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

(f) Referral for state or local proceedings.—(1) Whenever a complaint alleges a discriminatory housing practice—

(A) within the jurisdiction of a State or local public agency; and

(B) as to which such agency has been certified by the Secretary under this subsection: the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless—

(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action; are substantially equivalent to those created by and under this title.

(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

(g) Reasonable cause determination and effect.—(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(2)(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as

provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

(B) Such charge—

(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(ii) shall be based on the final investigative report; and

(iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(h) Service of copies of charge.—After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served—

(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

(2) on each aggrieved person on whose behalf the complaint was filed. (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

[§ 3361] § 811. *Subpoenas; giving of evidence.*—(a) In general.—The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) *Witness fees.*—Witnesses summoned by a subpoena under this title shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) *Criminal Penalties.*—(1) 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 it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(2) Any person who, with intent thereby to mislead another person in any proceeding under this title—

(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

[Footnote § 3361] (1) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89. The current § 811, which is effective until 3-12-89, reads: "§ 811. Evidence.—(a) 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) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence; shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

[" 3362] § 812 **Enforcement by secretary.**—(a) Election of judicial determination.—When a charge is filed under section § 10, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (c) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

(b) Administrative law judge hearing on absence of election.—If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

(c) Rights of parties.—At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

[Footnote § 3361 continued]

(b) 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) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses 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) 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) 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) 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) The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act. [42 U.S.C. 3611]"

[Footnote § 3362]

(1) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89. The current § 812, which is effective until 3-12-89, reads: "§ 812. **Enforcement by private persons.**—(a) The rights granted by sections 803, 804, 805, and 806 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 or 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 810(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.

(d) *Expedited discovery and hearing.*—(1) *Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.*

(2) *A hearing under this section shall be conducted as expeditiously and inexpensively as possible consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.*

(3) *The Secretary shall, not later than 180 days after the date of enactment of this subsection, issue rules to implement this subsection.*

(e) *Resolution of charge.*—*Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.*

(f) *Effect of trial of civil action on administrative proceedings.*—*An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.*

(g) *Hearings, findings and conclusions, and order.*—(1) *The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.*

(2) *The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.*

(3) *If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—*

(A) *in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;*

(B) *in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and*

(C) *in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;*

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

[Footnote 3362 continued]

(b) 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) The court may grant as relief, as it deems appropriate, any permanent or temporary injunctions, 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 said plaintiff in the opinion of the court is not financially able to assume said attorney's fees. [42 U.S.C. 3612]

(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)—

(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

(h) Review by secretary: service of final order.—(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

(i) Judicial review.—(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

(j) Court enforcement of administrative order upon petition by secretary.—(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

(k) Relief which may be granted.—(1) Upon the filing of a petition under subsection (i) or (j), the court may—

(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

(C) enforce such order to the extent that such order is affirmed or modified.

(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(l) *Enforcement Decree in Absence of Petition for Review.*—If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

- (1) which is filed by the Secretary under subsection (j) after the end of such day; or
 (2) under subsection (m).

(m) *Court enforcement of administrative order upon petition of any person entitled to relief.*—If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

(n) *Entry of Decree.*—The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

(o) *Civil action for enforcement when election is made for such civil action.*—(1) If an election is made under subsection (a), the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code.

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(p) *Attorney's fees.*—In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under section 812, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

[§ 3363] § 813 'Enforcement by private persons.—(a) *Civil action.*—(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge

[Footnote § 3363]

(1) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89. The current § 813, which is effective until 3-12-89, reads: "§ 813. Enforcement by Attorney General.—(a) 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. [42 U.S.C. 3613]"

under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

(b) Appointment of attorney by court.—Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

(1) appoint an attorney for such person; or

(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief which may be granted.—(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on certain sales, encumbrances, and rentals.—Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

(e) Intervention by attorney general.—Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies. (Last amended by L. 1988, P.L. 100-430, eff. 3-12-89.)

§ 814. Enforcement by the attorney general.—(a) Pattern or practice cases.—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 title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On referral of discriminatory housing practice or conciliation agreement for enforcement.—(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

[Footnote § 3364]

(1) Sec. 814 is added by L. 1988, P.L. 100-430, eff. 3-12-89.

(2)(A) *The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).*

(B) *A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).*

(c) *Enforcement of subpoenas.—The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings 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.*

(d) *Relief which may be granted in civil actions under subsections (a) and (b).—(1) In a civil action under subsection (a) or (b), the court—*

(A) *may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as necessary to assure the full enjoyment of the rights granted by this title;*

(B) *may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and*

(C) *may, to vindicate the public interest, assess a civil penalty against the respondent—*

(i) *in an amount not exceeding \$50,000, for a first violation; and*

(ii) *in an amount not exceeding \$100,000, for any subsequent violation.*

(2) *In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.*

(e) *Intervention in civil actions.—Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813. (Added L. 1988, P.L. 100-430, eff. 3-12-89.)*

[3365] § 815. 'Rules to implement title.—*The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section. (Added L. 1988, P.L. 100-430, eff. 3-12-89.)*

[3366] § 816. Effect on state laws.—*Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivisions 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 title shall to that extent be invalid. [42 U.S.C. 3615]*

[3367] § 817. Cooperation with state agencies administering fair housing laws.—*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. [42 U.S.C. 3616]*

[3368] § 818. Interference, coercion, or intimidation.—*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*

[Footnote 1, 3365]

(1) Sec. 815 is added by L. 1988, P.L. 100-430, eff. 3-12-89.

any other person in the exercise or enjoyment of any right granted or protected by section 803, 804, 805, or 806 of this title.' [42 U.S.C. 3617]

[' 3369] § 819. Appropriations.—There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter. [42 U.S.C. 3618]

[' 3370] § 820. 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. [42 U.S.C. 3619]

SUBCHAPTER II—PREVENTION OF INTIMIDATION

[' 3371] § 901. 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, sex, *handicap (as such term is defined in section 802 of this Act)*, *familial status (as such term is defined in section 802 of this Act)*, 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, sex, *handicap (as such term is defined in section 802 of this Act)*, *familial status (as such term is defined in section 802 of this Act)*, 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, sex, *handicap (as such term is defined in section 802 of this Act)*, *familial status (as such term is defined in section 802 of this Act)*, or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), 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. [42 U.S.C. 3631]. (*Last amended by Housing and Community Development Act of 1974.*)

【Footnote ' 3368】

(1) The last sentence of the current provision was deleted by L. 1988, P.L. 100-430, eff. 3-12-89. The deleted sentence, which is effective until 3-12-89, reads: "This section may be enforced by appropriate civil action."

【Footnote ' 3371】

(1) to (3) New matter in italics is added by L. 1988, P.L. 100-430, eff. 3-12-89.



Appendix III

Test Summaries

A summary of each test, including an analysis of the population statistics of the neighborhoods offered to the testers, was prepared by the Commission's Testing Coordinator. Copies of those summaries, with the exception of two tests which resulted in complaints filed with the Commission and now pending, are attached as Appendix III. Identifying data were deleted to protect the privacy of the testers and real estate agencies and personnel involved in this study.

TESTING COORDINATOR'S SUMMARY

TEST NO. 101 TEST SITE:

AGENT:

FACTS

FIRST TEST - WHITE MALE AND WHITE FEMALE

1. _____ and _____ served as Testers using the names _____ and _____.
2. On July 17, 1989, the Male Tester called the _____ and spoke with a receptionist regarding an advertisement for an apartment in the July 16, 1989 Hartford Courant.
3. The receptionist said to come into the office and meet with _____ who would show them the apartment on July 18, 1989.
4. The Testers arrived at the rental office and were asked to fill out a registration form. The form asked for information concerning employment, current residence and telephone numbers.
5. The Agent _____ greeted them and took them to view the model apartments and told them a \$20.00 non-refundable application fee was required if they were interested in an apartment.
6. The Agent said that there was a good school system and recreational facilities in the area.
7. The Testers said that they would get back to the Agent and return the rental application if they were interested.
8. The time spent with the Testers was from 9:30 AM to 10:00 AM.

SECOND TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On July 18, 1989, the Tester called the _____ and spoke with a receptionist who made an appointment for 1:00 PM and said that the Tester would be seeing an Agent named _____.

3. The Tester arrived at the rental office and completed a registration card.
4. The Agent reviewed the registration card and noted that the Tester had stated that she had a six-year-old daughter. The Agent asked the Tester what kind of school the Tester's child attended.
5. The Tester said that her child was in parochial school. The Agent said that the information packet did not contain a list of parochial schools, but the St. Gabriel's School was in the area.
6. The Agent showed the Tester model apartments _____ and _____. The Agent said that the _____ was a transitional neighborhood and people moved in and out a lot.
7. While showing the Tester through the complex, the Agent commented on an area in the complex where most of the children were located.
8. The Tester said that she would call the Agent if she was interested in the complex.
9. The time spent with the Tester was from 1:00 PM to 1:45 PM.

THIRD TEST - WHITE MALE AND WHITE FEMALE

1. _____ and _____ served as Testers using the names _____ and _____.
2. On July 17, 1989, the Male Tester called the _____ to make an appointment for July 19, 1989 to see rental units with Agent _____.
3. On July 19, 1989, the Testers arrived at the _____ and were greeted by Agent _____. The Testers completed a registration form and then viewed model units #258 and #399.
4. The Testers were shown the complex and recreational facilities.
5. The Testers said that they had other rental units to look at and would let her know if they were interested in this one.
6. The Agent encouraged them to hurry and put in their rental application and submit a \$20.00 fee.

7. The time spent with the Testers was from 9:35 AM to 10:15 AM.

FINDINGS

1. This Test was considered invalid due to Tester errors. Only the Black Tester obtained street addresses of the area in which the units were located and what units were shown to her. A comparison could not be drawn concerning the treatment of the Black Tester because the White Testers did not obtain unit addresses.
2. The Agent told the Black Tester that the complex was a transitional area and that people moved in and out a lot. This was not told to either of the White Testers.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 102 TEST SITE: _____

AGENTS: _____

FACTS

FIRST TEST - WHITE MALE AND WHITE FEMALE

1. _____ and _____ served as Testers using the names _____ and _____.
2. On July 26, 1989, the Male Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Manchester. The house was priced at \$274,900 and was advertised in the East of the River Magazine, Vol. 15, Issue 14, dated July 25, 1989. The ad stated "Manchester - \$274,900."
3. The Agent told the Tester that the price of this house had been reduced to \$269,900.
4. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
What is your name?	_____
Where do you live?	New Britain
Do you like Manchester?	My sister formerly lived there.
Number of Children	One, my eight-year-old son.
Tester's Employer	Hamilton Standard
What can you afford for a house?	My wife and I earn approximately \$95,000.
Tester's Spouse's Occupation	Teacher in Somers
Are you qualified for a house?	The Tester stated that he had not been officially qualified for a house. In the Tester's search for a house he had been advised that he could qualify.

Agent AskedTester Response

Do you have a 20% down payment?

The Tester had put aside his wife's salary and it would not be a problem.

5. The Agent advised the Tester that Agent _____ would be handling the showing of this house. The Tester was then transferred to Agent _____ who arranged a meeting for the Tester to see the house listed in the ad on July 26, 1989.
6. Agent _____ showed the Testers the following houses located in Manchester:

35 South Farms Dr.	\$229,500
91 Braeside Crescent	\$269,900 (House in Ad)
200 Saddlehill Rd.	\$275,900
7. The Agent told the Testers that if she saw anything that the Testers might like that she would contact them.
8. The Testers reported that neither of the Agents had requested the Tester's telephone number or address, so how could the Agents contact the Testers for a future appointment to show houses.
9. The time spent with the Testers was from 9:30 AM to 11:35 AM.

SECOND TEST - BLACK TESTER

1. _____ served as a Tester using the name _____.
2. On July 26, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Manchester. The house was priced at \$274,900 and was advertised in the East of the River Magazine, Vol. 15, Issue 14, dated July 25, 1989. The ad stated "Manchester - \$274,900."
3. The Agent asked the Tester when she was available to see houses. The Tester said she was available that day.
4. The Agent asked the Tester for her name and telephone number. The Tester gave the name _____ and her home telephone number.

5. The Tester arrived at the real estate office on the same day and was asked for the following information which the Agent recorded on a form:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Divorced with one child (Tester Volunteered)
Tester's Income Only	\$125,000
Tester's Employer	UConn Medical Center
Number of Bedrooms	Two plus
Style of House	It is not important.
How many bathrooms?	Two plus
Down Payment Available	\$48,000
Do you know what type of financing you are interested in?	No
Present Housing	Renting
Source of Information Leading You to Agent	East of the River Magazine

6. The Agent said that she would show the Tester houses to get a general idea what the Tester was interested in. The Agent asked the Tester if she was interested in condo's. The Tester said yes.

7. The Agent showed the Tester the following houses located in Manchester:

103 H Cliffside Drive	\$159,900 (Condo)
35 South Farms Drive	\$229,500
91 Braeside Crescent	\$269,900 (House in Ad)
200 Saddlehill Road	\$275,900

8. The Agent invited the Tester to call her in the near future to see more houses.

9. The time spent with the Tester was from 1:00 PM to 2:50 PM.

THIRD TEST - WHITE MALE AND WHITE FEMALE

1. _____ and _____ served as Testers using the names _____ and _____.
2. On July 25, 1989, the Male Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Manchester. The house was priced at \$274,900 and was advertised in the East of the River Magazine, Vol. 15, Issue 14, dated July 25, 1989. The ad stated "Manchester - \$274,900."
3. The Agent said that the price had been reduced to \$269,900. The Agent said that she would show the Tester several houses on July 27, 1989.
4. On July 27, 1989, the Testers arrived at the real estate office and Agent _____ apologized that she was busy and told the Testers, Agent _____ would be assisting them.
5. The Agent asked the Testers the following questions during their visit to the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Number of Children: One (Tester Volunteered)
Tester's Household Income	\$97,000
Tester's Income Only	\$41,000
Tester's Spouse's Income	\$56,000
	Tester's Occupation: Pharmacist (Tester Volunteered)
Number of Bedrooms	Three or Four
Style of House	Colonial or Contemporary
Location of Housing	Depends on the house.
	Price Range of Housing: \$230,000 - \$280,000 (Tester Volunteered)
Down Payment Available	\$39,000

Agent Asked

Tester Response

Present Housing: Renting
(Tester Volunteered)

Debts

None

6. The Agent did not indicate how financing could be obtained.
7. The Agent showed the Testers the following houses located in Manchester and Bolton:

91 Braeside Crescent	Manchester	\$269,900 (House in Ad)
154 Birch Mountain Road	Manchester	\$289,900
88 Rushford Avenue	Bolton	\$390,000
8. The Agent also provided the Testers with a computer print-out of contemporary houses based upon the Testers' request. The only house listed on the computer print-out was 17 Patriot Lane, Manchester - \$309,900.
9. The Agent invited the Testers back into the office after showing houses. The Agent provided the Testers with a Multiple Listing Service Book from the Manchester Board of REALTORS dated July 13, 1989, Book Number 28.
10. The time spent with the Testers was from 10:00 AM to 12:30 PM.

FINDINGS

1. During the First Test the White Testers were never asked for their telephone number, so the Agent could not contact the Testers if future houses became available.
2. The price range shown to the first team of White Testers was from \$229,500 - \$275,900.
3. Listed below is an analysis of the Census Tracts of houses shown to the first team of White Testers in Manchester:

<u>Census</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
<u>Tract No.</u>				
5152	35 South Farms Drive	97.57%	.96%	.88%
	91 Braeside Crescent	(Data Not Available)		
	200 Saddlehill Road	(Data Not Available)		
	<u>Average Percentage</u>	97.57%	.96%	.88%

The Census Tract Data indicates that the White Testers were shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

4. The Black Tester was shown houses in the price range of \$159,900 - \$275,900.
5. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in Manchester:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
103 H Cliffside Drive (Condo)	(Data Not Available)		
5152 35 South Farms Drive	97.57%	.96%	.88%
91 Braeside Crescent	(Data Not Available)		
200 Saddlehill Road	(Data Not Available)		
<u>Average Percentage</u>	97.57%	.96%	.88%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

6. During the Third Test the White Testers were shown houses in the price range of \$269,900 - \$390,000.
7. Listed below is an analysis of the Census Tracts of houses offered and shown to the second team of White Testers in Bolton and Manchester:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
91 Braeside Crescent	(Data Not Available)		
5152 154 Birch Mountain Road	97.57%	.96%	.88%
5291 88 Rushford Avenue	99.09	.20	.66
17 Patriot Lane	(Data Not Available)		
<u>Average Percentage</u>	98.33%	.58%	.77%

The Census Tract Data indicates that the second team of White Testers were offered and shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

8. The second team of White Testers were shown houses in a higher price range than the Black Tester, even though the Black Tester had a larger down payment.

9. The second team of White Testers were also shown houses in the town of Bolton and this town was not offered to the Black Tester.
10. White Testers were told about the price reduction in the house offered for sale in the ad. The Black Tester was not told about the price reduction.

Cordula DiAugustino

Cordula DiAugustino, Testing Coordinator

July 11, 1990

Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 103 TEST SITE:

AGENTS:

FACTS

FIRST TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On August 1, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in South Windsor. The house was priced at \$178,900 and was advertised in the East of the River Magazine, Vol. 15, Issue 15, dated August 8, 1989. The ad stated "South Windsor - \$178,900."
3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Married
Number of Children	One Child
Tester's Household Income	\$97,000
Down Payment Available	\$30,000 plus \$10,000 additional for closing costs. The Tester mentioned an Aunt that could lend her an additional \$25,000 if needed.

The Agent said he would work on a few things and have someone lined up to take the Tester out to see houses because he had a 12:15 PM appointment.

4. The Tester arrived at the office the same day and Agent _____ was now available. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Employer	Bay State Medical Springfield, MA

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Spouse's Employer	Brook's Pharmacy
Style of House	Anything
Location of Housing	Anywhere
Present Housing	Renting
Desired Occupancy Date	As soon as possible.
Debts	None

5. The Agent stated that the Tester was qualified for a mortgage. The Tester asked if the house that she called about was still available. The Agent said that the house recently had a deposit placed on it and he could not show it to the Tester.

6. The Agent drove the Tester in his van and showed the Tester the following houses located in South Windsor:

139 LeFoll Blvd.	\$228,900
37 Bourbon Street	\$244,900
28 Gail Lane	\$249,900

7. The Agent asked the Tester several times if the Tester thought her husband would like the different houses shown. The Tester said that she would discuss this with her husband. The Tester left and said that she and her husband would make an appointment in the future to see more houses.

8. The time spent with the Tester was from 10:30 AM to 12:40 PM.

SECOND TEST - BLACK MALE AND BLACK FEMALE

1. _____ and _____ served as Testers using the names _____.

2. On August 1, 1989, the Female Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in South Windsor. The house was priced at \$178,900 and was advertised in the East of the River Magazine, Vol. 15, Issue 15, dated August 8, 1989. The ad stated "South Windsor - \$178,900." The Agent told the Tester that the house was under deposit.

3. The Agent asked the Tester if she was interested in other houses. The Tester said she was.
4. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Price Range of Housing	I'm not sure.
Tester's Household Income	\$98,000
Debts	None

5. The Tester set up an appointment for August 2, 1989 to meet with the Agent with her husband.
6. The Testers were asked the following questions during their visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation and Employer	Researcher UCONN Medical Center
Tester's Spouse's Occupation and Employer	Electrical Engineer Hamilton Standard
Style of House	Doesn't Matter.
Location of Housing	Doesn't Matter.
Present Housing	Renting

7. The Agent said he did not expect the Testers would have any trouble in obtaining financing.
8. The Agent offered his personal residence located in Manchester that he was selling to the Black Testers and the same houses shown to the first White Tester.
9. The time spent with the Testers was from 1:05 PM to 3:00 PM.

FINDINGS

1. Both the White and Black Testers were shown the same houses.

2. The Agent offered the Black Testers his personal residence located in Manchester.
3. Census Tract Data was not available for the houses shown.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 104 TEST SITE:

AGENTS:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On September 18, 1989, the Tester called the office of _____ and spoke with Agent _____ to obtain an appointment to see what was available for housing in the Southington area. The Tester made an appointment on September 19, 1989.
3. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Telephone Number	The Tester told the Agent that only family members have her telephone number due to crank calls that the Tester was receiving.
If the Tester was qualified?	Yes, with a limit of \$280,000 mortgage.
Marital Status	Single
Number of Children	None
Tester's Household Income	\$50,000
Tester's Income Only	\$54,000
	Tester volunteered inheritance if additional funds were needed.
Tester's Occupation	Teacher
Number of Bedrooms	Two or Three
Style of Housing	Ranch

<u>Agent Asked</u>	<u>Tester Response</u>
Price Range of Housing	\$170,000 - \$250,000
Down Payment Available	\$125,000
Present Housing	Renting
Desired Occupancy Date	End of the Year
Debts	\$250 Car Loan

4. The Agent told the Tester that clean credit was needed since income verification was not presented. The current fixed interest rate was 9 7/8% and taxes in Southington were cheaper than Cheshire or Hamden.
5. The Agent told the Tester that several houses were available, but the Agent said that she needed the Tester's telephone number in order to show them.
6. The Agent told the Tester about a new development in Southington called Sunrise Estates. The asking price for properties in this area was \$184,900 and that changes and additions could be made to the houses. The Agent did not show the Tester this development.
7. The time spent with the Tester was from 10:00 AM to 11:00 AM.

SECOND TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 24, 1989, the Tester called the real estate office and spoke with Agent _____ to set up an appointment to see houses on October 25, 1989. The Agent asked for the Tester's telephone number. The Tester did not give out her home telephone number, but her sister's number where she would be staying during her visit from Massachusetts to look at houses.
3. The Agent asked the Tester the following questions over the telephone:

<u>Agent Asked</u>	<u>Tester Response</u>
Do you have anything to sell?	No

<u>Agent Asked</u>	<u>Tester Response</u>
Style of Housing	Cape or Ranch
Price Range of Housing	\$185,000 - \$250,000
Down Payment Available	\$100,000

4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Single (Tester Volunteered)
	Tester's Employer: CVS (Tester Volunteered)
Number of Children	None
Tester's Household Income	\$49,000
Tester's Income Only	\$49,000
Number of Bedrooms	Two plus
Present Housing	Renting
Desired Occupancy Date	Soon
	Source of Information Leading You to Agent: Office close to Route 84 (Tester Volunteered)
Debts	None

5. The Agent showed the Tester the following houses all located in Southington:

4 Dawn Lane	\$229,000
Heather Lane	\$253,000

6. The Agent also provided the Tester with 36 copies of houses from pages of the Multiple Listing Book to look over. If any of the houses appealed to the Tester she was to call the Agent back to view them.

7. The time spent with the Tester was from 1:00 PM to 3:30 PM.

THIRD TEST - BLACK FEMALE

1. _____ served as herself as a Tester.
2. On October 5, 1989, the Tester called the real estate office and spoke with Agent _____. The Agent asked the Tester her telephone number. The Tester said that she could not give out her telephone number. The Agent stated that she would not set up an appointment with the Tester unless the Tester gave out her telephone number. The Tester said that she would check with her present employer to see if the work telephone number could be given out. The Agent told the Tester that she was the second or third person to call her that would not give out a telephone number.
3. On October 31, 1989, the Tester called the real estate office again and spoke with Agent _____. Agent _____ told the Tester that the reason that she had given the Tester a hard time was due to to the fact that she thought the Tester was a Tester and asked the Tester if she was a Tester. The Tester said that she was not a Tester. The Tester asked what a Tester was and what they did. The Agent stated that the State sends out Testers to see if you discriminate. The Tester said that she didn't think that Testers were used in Mississippi and she was still learning about Connecticut since she had just moved up here.
4. The Agent told the Tester that she would show the Tester houses in Southington, Plainville, and Simsbury because these were nice towns.
5. On October 21, 1989, the Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Work Phone Number	Gave out the number.
Tester's Household Income	\$49,000
Tester's Income Only	\$49,000
Tester's Employer	United Cable
Number of Bedrooms	Open
Style of Housing	Open

<u>Agent Asked</u>	<u>Tester Response</u>
Location of Housing	Open
Price Range of Housing	\$185,000 - \$250,000
Down Payment Available	\$120,000
Present Housing	Living with someone
Desired Occupancy Date	Planning to get married in June.
Source of Information Leading You to Agent	_____
Debts	None

6. The Agent said that she did not expect the Tester to have any trouble in obtaining financing.
7. The Agent filled out a qualifying form for the Tester and told the Tester that she should drive by houses in Rustic Woods in Wolcott and Sunrise Estates in Southington and call the Agent back if she saw anything she liked.
8. On November 7, 1989, the Agent called the Tester at work to find out if the Tester wanted to see some of the houses that they had discussed on the first visit.
9. The Tester said that she would get back to the Agent with a date in the near future.
10. The time spent with the Tester was from 9:15 AM to 10:20 AM.

FINDINGS

1. Both Black Testers were never shown houses.
2. The White Tester was driven in the Agent's car and shown two houses.
3. The Black Testers were questioned extensively concerning their financial background and the Agent expressed concern on the verification of income and credit checks being completed before the Black Testers were allowed to see houses.

4. Both Black Testers had a larger downpayment than the White Testers.
5. The Agent spent more time with the White Tester than both Black Testers.
6. The Census Tracts were not analyzed because comparisons could not be drawn on the houses shown to the White Tester due to the fact the both Black Testers were not shown houses.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 105 TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On September 20, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in New Britain. The house was priced at \$104,900 and advertised in the Hartford Courant dated September 17, 1989. The ad stated "New Britain - 20 Lester St. - \$104,900."
3. The Agent told the Tester the house needs some Tender Loving Care. The Agent asked the Tester how she would be financing the house. The Tester said cash.
4. The Tester made an appointment for September 21, 1989.
5. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Single
Number of Children	None
Tester's Occupation	Teacher
Number of Bedrooms	Two plus
Style of House	Not sure.
Down Payment Available	Cash
Present Housing	Renting

6. The Agent said that a mortgage would be a good tax write off and interest rates were dropping.
7. The Agent showed the Tester 20 Lester St., New Britain - \$104,900 (House in Ad). The Agent offered to show the Tester other houses.

- 8. The Tester said that she would come back for another appointment to see more houses at a later date.
- 9. The Agent provided the Tester with copies of pages of the Multiple Listing Book. All of the houses listed below are located in New Britain:

280 Chapman Street	\$118,000
97 Skipper Street	\$118,000
32 Jubilee Street	\$119,500
633 Burritt	\$119,900
96 Hutchinson Street	\$119,900
68 Trinity Street	\$119,900
189 Childs Street	\$125,900
147 NE McKinley Drive	\$125,900
77 Tremont	\$125,900
167 Slater Street	\$126,000
155 Sterling Street	\$127,123
54 Heather Lane	\$127,900
19 Dix Avenue	\$129,000
245 Pershing	\$129,000
40 Hayes Street	\$129,500
164 Clark Street	\$129,900
71 Country Club Road	\$129,900
73 Devens Street	\$129,900
422 Ellis Street	\$129,900
286 Glen Street	\$129,900
46 Sheffield Street	\$129,900
6 Skinner Drive	\$129,900
415 Slater Road	\$129,900

- 10. The time spent with the Tester was from 9:50 AM to 11:30 AM.

SECOND TEST - WHITE FEMALE

- 1. _____ served as a Tester using the name _____.
- 2. On October 10, 1989, the Tester called the office of _____ and left a message for Agent _____ to call her.
- 3. On the evening of October 10, 1989, the Agent returned the Tester's call and left a message. On October 17, 1989, the Tester called the agency back and talked with Agent _____. The Agent wanted to know where the Tester got her name. The Tester said that a friend of hers that works at New Britain Memorial Hospital gave her the Agent's name.

- 4. The Tester made an appointment to see houses for October 19, 1989.
- 5. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Single (Tester Volunteered)
Tester's Household Income	\$48,000
Tester's Income Only	\$48,000
Tester's Occupation and Employer	Professor at Central CT State University
Tester's Previous Occupation and Employer	Elementary School Teacher at Maybelle Avery School, Somers
Number of Bedrooms	Two plus
Style of House	Anything but raised ranch
Location of Housing	Close to University
Price Range of Housing	\$100,000 - \$175,000
Down Payment Available	\$110,000
Present Housing	Renting
Desired Occupancy Date	As soon as possible.
Source of Information Leading You to Agent	Friend

- 6. The Agent said that she would assist the Tester in obtaining financing.

- 7. The Tester was shown the following houses in New Britain:

33 Wendy Lane	\$169,900
323 Francis Street	\$176,500
53 Mohawk Street	\$179,900
284 Corbin Avenue	\$184,900
48 Varmour Drive	\$187,900

8. The Tester said the Agent offered to show her houses in Berlin, Newington or any other area close to the university.
9. The time spent with the Tester was from 10:00 AM to 12:20 PM.

FINDINGS

1. This Test was considered invalid because the White Tester did not ask the Agent about 20 Lester St. New Britain (the house in the ad) which was the basis for calling the office.
2. A comparison could not be drawn on the availability of housing offered for the above reason.
3. The Census Tract Data was not available for the house shown to the Black Tester (20 Lester St., New Britain).
4. Listed below is an analysis of the Census Tracts of houses shown to the White Tester in New Britain:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4157	284 Corbin Avenue	95.49%	1.23%	5.39%
4170	48 Varmour Drive	96.23	2.34	1.50
4168	323 Francis Street	97.02	1.89	1.28
	33 Wendy Lane	(Data Not Available)		
4168	53 Mohawk Street	97.02	1.89	1.28
<u>Average Percentage</u>		96.44%	1.84%	2.36%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than ninety-six percent (96%) White Population.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 106 TEST SITE:

AGENTS:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On September 20, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Farmington. The house was priced at \$259,900 and was advertised in the Hartford Courant dated September 17, 1989. The ad stated "Farmington - \$259,900."
3. The Agent made an appointment with the Tester for September 21, 1989.
4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Had the Tester been qualified?	Yes
Tester's Phone Number	Given
Marital Status	Single
Number of Children	None
	Tester's Occupation: Teacher (Tester Volunteered)
Number of Bedrooms	Two plus
Style of House	Not certain, large rooms wanted.
	Price Range of Housing: \$240,000 - \$300,000 (Tester Volunteered)
Present Housing	Renting

- 5. The Agent did not discuss financing information.
- 6. The Agent showed the Tester the following houses in Farmington:

1 Kent Lane	Price Unknown
7 Paper Chase Drive	\$259,900
Another House	Unknown
- 7. The time spent with the Tester was from 1:00 PM to 2:30 PM.

SECOND TEST - WHITE FEMALE

- 1. _____ served as a Tester using the name _____.
- 2. On October 10, 1989, the Tester called the office of _____ and spoke to the receptionist requesting Agent _____. The Tester called regarding a house for sale located in Farmington. The house was priced at \$259,900 and was advertised in the Hartford Courant dated September 17, 1989. The ad stated "Farmington - \$259,900." The Agent was not available. The Tester left her name and phone number and asked that the Agent call her back on October 11, 1989.
- 3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
If Tester was qualified for a mortgage?	I have a \$110,000 to put down.
Price Range of Housing	\$180,000 - \$200,000

- 4. The Agent made an appointment for the Tester to be shown houses that the Agent had selected for October 12, 1989.
- 5. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation	Marital Status: Single (Tester Volunteered)
Number of Bedrooms	Professor at Central Conn. State University in New Britain
	One or two

<u>Agent Asked</u>	<u>Tester Response</u>
Style of House	Open
Location of Housing	Close to Central Conn. State University
Price Range of Housing	\$240,000 - \$300,000 Down Payment Available: \$110,000 (Tester Volunteered)
Present Housing	Renting
Source of Information Leading You to Agent	Newspaper ad

- The Agent did not mention how financing could be obtained.
- The Tester was shown the following houses by the Agent. The agent had selected the houses listed below on the price range quoted on the telephone by the Tester.

The houses listed below are located in Farmington:

20 Elizabeth Road	\$194,000
87 Knollwood Road	\$217,500

The houses listed below are located in West Hartford:

183 Webster Hill Blvd.	\$189,900
35 Bentwood Road	\$205,900

The houses listed below are located in Newington:

93 Gilbert Road	\$187,500
112 Michael Lane	\$189,900

- The time spent with the Tester was from 10:00 AM to 11:45 AM.

THIRD TEST - WHITE FEMALE

- _____ served as a Tester using the name _____.
- On October 23, 1989, the Tester called the office of _____ and spoke to Agent _____. The Tester said that she was interested in a house or condo with two

or more bedrooms and had \$100,000 for a down payment and an additional \$10,000 for closing costs.

3. The Agent said to the Tester that they meet somewhere other than the real estate office. The Agent chose the CVS parking lot in Unionville.
4. The Tester was asked the following questions while riding in the Agent's car:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Single (Tester Volunteered)
Tester's Household Income	\$49,000
Tester's Income Only	\$49,000
	Tester's Occupation: Pharmacist (Tester Volunteered)
Number of Bedrooms	Two plus
	Style of House: Ranch or Cape (Tester Volunteered)
Location of Housing	Any
Price Range of Housing	\$240,000 - \$300,000
Down Payment Available	\$100,000
Present Housing	Renting
Desired Occupancy Date	Soon
Source of Information Leading You to Agent	CVS had suggested it.

5. The Agent stated that she did not expect the Tester to have any trouble in obtaining financing.

6. The Agent showed the Tester the following houses:

The houses listed below are located in Farmington:

1 Birchwood Road	\$207,000
87 Knollwood Road	\$217,500
72 Knollwood Road	\$219,900
18 Tanglewood Road	\$229,900

1 Kent Lane	\$239,900
8 Tanglewood Road	\$244,900
18 Roma Drive	\$247,000

The following houses are located in Avon:

27 Woodhaven Drive	\$224,900
25 Brookridge	\$241,900
27 Blueberry Lane	\$248,000
14 Delbon Lane	\$255,900

- The Agent gave the Tester her Multiple Listing Book and told the Tester to review the houses and call the Agent back to see more houses in the future.
- The time spent with the Tester was from 8:35 AM to 11:45 AM.

FINDINGS

- The Black Tester was not offered as many properties to see as other White Testers.
- The Black Tester was not offered properties in Avon, Newington, or West Hartford, yet both White Testers were offered these towns.
- Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in Farmington:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4603 1 Kent Lane	98.51%	.61%	.51%
4603 7 Paper Chase Drive	98.51	.61	.51
<u>Average Percentage</u>	98.51%	.61%	.51%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than a ninety-eight percent (98%) White Population.

- The Census Tract Data was not analyzed for the Second Test due to the Tester making an error in the price range of housing requested from the Agent.

5. Listed below is an analysis of Census Tracts of houses shown to the White Tester during the third test in Farmington and Avon:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4603	1 Kent Lane	98.51%	.61%	.51%
	18 Roma Drive	(Data Not Available)		
4603	1 Birchwood Road	98.51	.61	.51
4603	72 Knollwood Road	98.51	.61	.51
4603	87 Knollwood Road	98.51	.61	.51
4603	8 Tanglewood Road	98.51	.61	.51
4603	18 Tanglewood Road	98.51	.61	.51
4621	27 Woodhaven Drive	98.58	.47	.57
4621	25 Brookridge	98.58	.47	.57
4621	27 Blueberry Lane	98.58	.47	.57
	14 Delbon Lane	(Data Not Available)		
	<u>Average Percentage</u>	98.53%	.56%	.53%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than a ninety-eight percent (98%) White Population.

Cordula DiAugustino
Cordula DiAugustino, Testing Coordinator

July 11, 1990
Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 107

TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On September 25, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Newington. The house was priced at \$199,900 and was advertised in the Homes and Condos Magazine dated May 4, 1989. The ad stated "Newington - \$199,900." The Agent said the house listed in the ad was 112 Michael Lane in Newington.
3. The Agent asked the Tester if she was qualified. The Tester said that she was, and the Agent then asked her for her telephone number. The Tester set up the appointment in September 25, 1989.
4. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked

Tester Response

Tester's Name

Tester's Home Address

Tester's Telephone
Number

Location of Housing

Marital Status

Number of Children

Ridge Gate Apartments
117 Rosewood Ave., Waterbury

The Tester gave the number.

The Tester said she was
qualified up to \$280,000 for a
house.

Newington or any nearby town

Single

None

Tester's Occupation: Teacher
(Tester Volunteered)

<u>Agent Asked</u>	<u>Tester Response</u>
Number of Bedrooms	Open
Style of House	Open
	Down Payment Available: \$125,000 (Tester Volunteered)
Price Range of Housing	\$189,000 - \$225,000
Present Housing	Renting
Desired Occupancy Date	Open

The Agent said that Newington and New Britain were nice towns because you get more house for your dollar. As the Agent reviewed the Multiple Listing Book she asked the Tester about the town of Windsor. The Tester said that Windsor was too far.

5. The Tester was shown two houses listed below in Newington:

115 Robbins Avenue	\$164,900
112 Michael Lane	\$189,900 (House in Ad)

6. The Tester was also offered the towns of Newington, New Britain, Wethersfield, Rocky Hill, and West Hartford. The Agent also presented the Tester with a computer print-out of houses for sale in New Britain, Wethersfield, Rocky Hill, and West Hartford in the price range of \$175,000 - \$200,000.

7. The time spent with the Tester was from 10:00 AM to 12:30 PM.

SECOND TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 16, 1989, the Tester called _____ and spoke with Agent _____. The Tester said that she was interested in buying a house.
3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Source of Information Leading You to Agent	Neighbor of the Tester's sister and ads in the newspaper.
Style of Housing	Open, but not a raised ranch.
Marital Status	Single
Tester's Occupation	Professor Central State University
Tester's Previous Occupation	Elementary School Teacher
Price Range of Housing	\$189,000 - \$225,000
Tester's Income	\$48,000
Down Payment Available	\$110,000
Present Housing	Renting
Desired Occupancy Date	As soon as possible.

4. The Tester made an appointment on October 17, 1989.

5. The Tester was shown the houses listed below:

26 Erwin Court	Newington	unknown
28 Erwin Court	Newington	\$219,900
102 Westlock Road	Wethersfield	\$224,900
15 Jeffery Lane	Newington	unknown

6. The Tester also was offered the town of Rocky Hill.

7. The Tester was presented with a computer print-out of houses for sale in Wethersfield, Rocky Hill and Newington in the price range of \$180,000 - \$230,000.

8. The time spent with the Tester was from 9:00 AM to 11:45 AM.

FINDINGS

1. The Black Tester was shown two houses in Newington and provided with computer print-outs of houses for sale in New Britain, Wethersfield, Newington, Rocky Hill, and West Hartford in the price range of \$175,000 - \$200,000.

2. The White Tester was shown four houses (three in Newington and one in Wethersfield) and provided with a computer print-out of houses for sale in Wethersfield, Rocky Hill and Newington in the price range of \$180,000 - \$230,000.
3. The Black Tester was offered the towns of Windsor, and New Britain and the White Tester was not offered the towns of Windsor or New Britain.
4. The Black Tester was never asked about her income and had more of a down payment available than the White Tester. The Black Tester was not presented with a computer print-out in the price range requested.
5. The White Tester was asked about her income and down payment and presented with a computer print-out of houses that exceeded the price range requested.
6. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in Newington:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4945	112 Michael Lane	97.85%	1.11%	1.50%
4941	115 Robbins Avenue	98.46	.87	1.34
<u>Average Percentage</u>		98.15%	.99%	1.42%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

7. Listed below is an analysis of the Census Tracts of houses shown to the White Tester in Newington and Wethersfield:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	26 Erwin Court Newington	(Data Not Available)		
	28 Erwin Court Newington	(Data Not Available)		
4924	102 Westlock Road Wethersfield	97.69%	1.25%	.70%
4946	15 Jeffery Lane Newington	97.82	.60	1.16
<u>Average Percentage</u>		97.75%	.92%	.93%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 108 TEST SITE:

AGENTS:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On September 25, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in West Hartford. The house was priced at \$226,500 and was advertised in the Hartford Courant dated September 17, 1989. The ad stated "West Hartford - 15 Garfield Road - \$226,500."
3. The Agent made an appointment for September 25, 1989 to visit the real estate office.
4. Upon entering the office, the Agent showed the Tester a card that indicated the Agent was not to be asked about ethnic groups or racial identities of neighborhoods.
5. The Agent had an associate with her named _____. Both Agents told the Tester how nice it is to live in West Hartford and that they just love it there.
6. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Single
Tester's Occupation	Teacher
Number of Bedrooms	Three
Style of House	Open
Price Range of Housing	\$225,000 - \$300,000
Present Housing	Renting

7. The Agent said she did not expect the Tester would have any trouble in obtaining financing.

8. Listed below are the houses the Agents showed the Tester located in West Hartford:

38 Meadow Farms Road	\$185,000
1789 Boulevard	\$199,500
3 Braeburn	\$205,500
33 Meadow Farms	\$223,500
15 Garfield	\$226,500

9. Listed below is another house the Agents offered but did not show the Tester in West Hartford:

376 South Main Street	\$219,500
-----------------------	-----------

10. The time spent with the Tester was from 1:00 PM to 3:00 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.

2. The Black Tester was shown only one house in the \$225,000 to \$300,000 price range that she requested. All other houses shown were in the price range of \$185,000 - \$223,500.

3. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in West Hartford:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4976	3 Braeburn	98.17%	.32%	.36%
4965	15 Garfield	99.14	.14	.43
4965	1789 Boulevard	99.14	.14	.43
4966	33 Meadow Farms	99.03	.32	.73
4966	38 Meadow Farms Road	99.03	.32	.73
<u>Average Percentage</u>		99.03%	.25%	.54%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-nine percent (99%) White Population.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 109 TEST SITE:

AGENTS:

FACTS

FIRST TEST - BLACK MALE

1. _____ served as himself as a Tester.
2. On December 4, 1989, the Tester called the office of _____ and spoke to Agent _____ to see what housing was available in the price range of \$125,000 and up.
3. The Agent asked the Tester if he had been qualified. The Tester said no and the Agent arranged an appointment to do so on December 14, 1989. The Agent asked for and received the Tester's telephone number.
4. The Tester arrived at the office and was told by Agent _____ that Agent _____ was busy and that he would assist him.
5. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Married (Tester Volunteered)
Tester's Income Only	\$112,000
	Tester's Occupation: Architect (Tester Volunteered)
Number of Bedrooms	Two plus
Style of House	Undecided
Location of Housing	Surrounding areas
Price Range of Housing	\$125,000 & up
Down Payment Available	\$50,000
Present Housing	Renting

Agent Asked

Tester Response

Source of Information
Leading You to Agent

For Sale Sign on House
on Palm Street.

Debts

None

6. The Agent qualified the Tester in the price range of \$150,000 to \$300,000 for a home purchase.
7. The Tester received a computer print-out of houses in the price range of \$200,000 - \$300,000 located in: Wethersfield, Hartford, Rocky Hill, and Newington. The Tester said that he would drive by the houses and get back with the Agent.
8. The time spent with the Tester was from 1:30 PM to 3:30 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. Due to the volume of computer print-outs the Tester received, the Census Tract Data was not individually analyzed.

Cordula DiAugusto July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 111 TEST SITE:

AGENT:

FACTS

FIRST TEST - WHITE MALE

1. _____ served as a Tester using the name _____.
2. On October 3, 4, and 5, 1989, the Tester called the office of _____ regarding a house for sale located in Hartford. The house was advertised in the Homes and Condos Magazine, Vol. 8, No. 7., September 21 - October 5, 1989. The ad stated "Hartford - Dream Home." The Tester called the office six times attempting to make an appointment with an Agent without success. Finally, the Testing Coordinator instructed the Tester to walk into the office.
3. On October 6, 1989, the Tester walked into the office and met with Agent _____ who asked the Tester the following questions:

Agent Asked

Tester Response

Marital Status: Married
(Tester Volunteered)

Number of Children: One
(Tester Volunteered)

Tester's Household
Income

\$63,000

Tester's Previous
Occupation and
Employer

Electrical Engineer,
Hodge Engineering

Number of Bedrooms

Two Plus

Style of House

Cape/Other

Location of Housing

Hartford to Enfield

<u>Agent Asked</u>	<u>Tester Response</u>
Other	Garage
Price Range of Housing	\$125,000 plus
Down Payment Available	\$25,000 - Additional \$25,000 inheritance (Tester Volunteered)
Debts	\$200 in Credit Cards Present Housing: Renting (Tester Volunteered) Source of Information Leading You to Agent: Newspaper and Friend (Tester Volunteered)

4. The Agent told the Tester that he would qualify for a mortgage in the amount of \$165,000 and would not have any trouble in obtaining financing.
5. The Agent presented the Tester with a computer print-out of more than 100 houses that the Tester should drive by to see. The price range of these houses were \$125,000 - \$165,000 and located in the following towns: Hartford, West Hartford, Windsor, South Windsor, East Windsor, Windsor Locks, Enfield, and Somers.
6. The Tester said that he would view some of the houses with his wife and call the Agent back.
7. The time spent with the Tester was from 9:15 AM to 9:55 AM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. The Tester experienced difficulty in making an appointment with this real estate office.

Cordula DiAugustino
Cordula DiAugustino, Testing Coordinator July 11, 1990
Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 112

TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK MALE

1. _____ served as himself as a Tester.
2. On November 11, 1989, the Tester called the office of _____ and spoke to Agent _____ to see what was available in the \$200,000 plus price range for housing.
3. The Agent told the Tester that the office specialized in the West Hartford, and Bloomfield area, but he had listings in Hartford, Avon, and Newington.
4. The Agent told the Tester that there were 175 houses on the market in that price range. The Tester gave the Agent his telephone number.
5. The Tester made an appointment for November 13, 1989.
6. The Tester arrived at the office for the 2:00 PM appointment and waited for forty-five minutes and was told by the receptionist that the Agents were in a meeting.
7. The Tester left his telephone number with the receptionist for the Agent and asked the Agent to call him.
8. On November 15, 1989, the Tester called the Agent. The Agent told the Tester that he had thought the appointment was on November 12, 1989 and did not have the Tester's telephone number.
9. The Tester made another appointment for November 30, 1989.
10. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Tester's Income Only: \$112,000
(Tester Volunteered)

Agent AskedTester Response

Number of Bedrooms

Two plus

Style of House

Open

Location of Housing

Open

Price Range of Housing

\$200,000 plus

Down Payment Available: \$50,000
(Tester Volunteered)

11. The Agent qualified the Tester for a 30 year fixed mortgage in the amount of \$320,000 with an interest rate of 9.95%.
12. The Agent showed the Tester one house listed below:
- 185 Steele Road West Hartford \$359,900
13. The Agent offered the Tester a computer print-out of houses that the Tester could drive by. The houses are listed below:
- 284 North Main St. West Hartford \$259,900
22 Cascade Rd. West Hartford \$289,900
14. The time spent with the Tester was from 1:30 PM to 3:30 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. The Census Tract Data was not analyzed because the Test could not be completed.
3. The Agent received the Tester's telephone number twice and did not call the Tester back.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 113 TEST SITE: _____

AGENT: _____

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as a Tester using the name _____.
2. On October 11, 1989, the Tester called the real estate office of _____, and spoke to Agent _____ regarding a house for sale located in Windsor. The house was priced at \$146,500 and was advertised in the Homes and Condos Magazine, Vol. 8, No. 7 dated September 21 - October 5, 1989. The ad stated "Windsor - \$146,500."
3. The Agent told the Tester that the house in the ad was located at Lepage Rd., Windsor.
4. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
--------------------	------------------------

Have you looked at other places?	No
----------------------------------	----

Has anyone asked you questions regarding qualifications?	No
--	----

5. The Tester made an appointment to meet with the Agent on October 12, 1989.
6. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
--------------------	------------------------

	Marital Status: Single (Tester Volunteered)
--	--

Tester's Household Income	\$125,000
---------------------------	-----------

Tester's Income Only	\$125,000
----------------------	-----------

Tester's Occupation	Doctor of Genetics
---------------------	--------------------

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Spouse's Occupation	None
Number of Bedrooms	Open
Style of House	Open
Price Range of Housing	\$146,500 - \$156,500
Down Payment Available	\$48,000
Present Housing	Renting
Source of Information Leading You to Agent	Homes and Condos Magazine
Debts	None

7. The Agent said that she did not expect the Tester would have any trouble in obtaining financing.
8. The Agent explained to the Tester that the bank uses the figure of 28% of your gross yearly income to determine how much of a mortgage you can afford after your down payment. The Agent told the Tester that she could spend up to \$300,000 for a house.
9. The Agent showed the Tester the following house:
42 Lepage Road, Windsor \$146,500 (House in Ad)
10. The Agent offered the Tester a computer print-out of over 60 houses all located in Windsor in the price range of \$99,900 - \$595,000. The Agent told the Tester to call anytime to see the houses on the print-out.
11. The time spent with the Tester was from 10:00 AM to 11:40 AM.

SECOND TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 16, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Windsor. The house was priced at \$146,500 and was advertised in the Homes and Condos Magazine, Vol. 8, No. 8, dated October 19, 1989. The ad stated "Windsor - \$146,500."

- 3. The Tester made an appointment on October 16, 1989 to meet with the Agent.
- 4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Single (Tester Volunteered)
Tester's Household Income	\$110,000
Tester's Income Only	\$110,000
Tester's Occupation	Consultant to Banks
Number of Bedrooms	Open
Style of House	Open
Price Range of Housing	\$200,000 - \$300,000
Down Payment Available	\$42,000
Present Housing	Renting
Source of Information Leading You to Agent	Homes and Condos Magazine
Debts	None

- 5. The Agent asked the Tester if she would be obtaining a fixed mortgage. The Tester said that due to a recent divorce she needed no financing and if she did need financing it would be provided for.
- 6. The Agent showed the Tester the following house:

105 Marshall St., Windsor \$184,900
- 7. The Agent gave the Tester a computer print-out of over 60 houses located in Windsor and the Agent told the Tester she could view these at a later date. The houses offered were in the price range of \$144,900 - \$750,000.
- 8. The time spent with the Tester was from 6:30 PM to approximately 8:00 PM.

THIRD TEST - BLACK FEMALE

1. _____ served as herself as a Tester.
2. On October 11, 1989, the Tester called the office of _____. The Tester spoke to someone at the real estate office asking for Agent _____. The person said Agent _____ was out of town for the weekend and could another Agent assist the Tester. The Tester said no. The Tester left her name and telephone number and asked that Agent _____ contact her.
3. On October 13, 1989, the Tester called the real estate office again and asked for Agent _____ and was told that she was out of the office.
4. On October 26, 1989, the Tester called the real estate office and was told the Agent _____ had left for the day. The Tester again left her name and telephone number.
5. On October 27, 1989, Agent _____ called the Tester and left a message. The Agent spoke with the Tester that evening asking about the house in the Homes and Condos Magazine, Vol. 8, No. 7 September 21 - October 5, 1989. The ad stated "Windsor - \$146,500." The Tester made an appointment to see the Agent on October 29, 1989.
6. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Household Income	\$49,000
Tester's Income Only	\$49,000
Tester's Employer	United Cable TV
Number of Bedrooms	Two plus
Style of House	Open
Location of Housing	Open
Price Range of Housing	\$135,000 - \$175,000
Down Payment Available	\$20,000
Source of Information Leading You to Agent	Home and Condos Magazine
Debts	None

- 7. The Agent told the Tester that she did not expect the Tester would have any trouble in obtaining financing.
- 8. The Agent said that with the Tester's Income of \$49,000 and at 10% interest rate the Tester could obtain a \$130,000 mortgage. The Agent told the Tester that the \$130,000 mortgage plus the \$20,000 down payment would equal a \$150,000 purchase price for a house. The Tester would need an additional \$10,000 for closing costs.
- 9. The Agent provided the Tester with computer print-outs of over 40 houses located in West Hartford and Newington. The price range of these houses were from \$112,000 - \$159,900. The Agent told the Tester to drive by these houses.
- 10. The Agent also offered the community of Hartford because it was close to the Tester's workplace.
- 11. The time spent with the Tester was from 11:00 AM to 12 Noon.

FOURTH TEST - BLACK MALE

- 1. _____ served as himself as a Tester.
- 2. On October 31, 1989, the Tester called _____ and spoke with Agent _____. The Tester told the Agent that he was interested in purchasing a house in the Windsor area.
- 3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Source of Information Leading You to the Agent	Referral from associate.
Tester's Occupation and Employer	Free Lance Architect
Number of Bedrooms	Three
Price Range of Housing	\$200,000 - \$300,000
Style of House	Open
Present Housing	Renting
Tester's Telephone Number	Tester gave it.

- 4. The Tester made an appointment on November 2, 1989.
- 5. The Agent called the Tester back and rescheduled the appointment on November 5, 1989 due the Agent's child being ill.
- 6. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Married
Tester's Income Only	\$112,000
Down Payment Available	\$50,000
Location of Housing	Open
Desired Occupancy Date	As soon as possible.
Debts	None

- 7. The Agent did not expect the Tester would have any trouble in obtaining financing.
- 8. The Agent showed the Tester the houses listed below which are located in Windsor:

30 Devin Way	\$218,900
39 Timothy	\$229,900

- 9. The Agent provided the Tester with a computer print-out of over 50 houses located in Windsor in the price range of \$200,000 - \$300,000.
- 10. The time spent with the Tester was 11:15 AM to 1:15 PM.

FINDINGS

- 1. The Census Tract Data was not analyzed due to the invalidity of this Test.
- 2. During the First, Second and Fourth Test, the Testers were provided with computer print-out information on the town of Windsor. The Black Tester in the Third Test was offered computer print-outs of West Hartford and Newington. The city of Hartford was also offered to this Black Tester due to the Tester's workplace.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 114 TEST SITE:

AGENT:

FACTS

FIRST TEST - WHITE MALE

1. _____ served as a Tester using the name _____.
2. On October 4, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale. The house was priced at \$166,900 and was advertised in the Greater Danbury Homes Magazine dated September 20, 1989. The ad stated "Picture Perfect - \$166,900."
3. The Tester told the Agent that he was being transferred to the Danbury area. He wanted to see what was available based upon the ad that he had seen.
4. The Tester made an appointment on October 5, 1989.
5. The Tester arrived at the office and was told that it was not possible to see the house requested because the owner felt the morning appointment was too early and her husband was off work that day.
6. The Agent said that she tried to call the Tester, but did not have the Tester's telephone number to cancel the appointment.
7. The Tester asked the Agent what should he do at this point. The Agent said that the Tester should feel free to contact her in the future.
8. The Agent did not offer to show the Tester any other houses.
9. The time spent with the Tester was from 9:00 AM to 9:05 AM.

SECOND TEST - BLACK MALE

1. _____ served as a Tester using the name _____.
2. On October 20, 1989, the Tester called the office of _____ and spoke to Agent _____.

3. The Tester was immediately asked by the Agent where the Tester got the Agent's name.
4. The Tester explained that he received the name from a friend.
5. The Tester made an appointment on October 23, 1989.
6. The Tester arrived at the office and was asked again by the Agent where the Tester had gotten her name from. The Agent said that she had recently married and makes it a practice of not giving her name out. The Tester said that a friend of his had obtained the name.
7. The Tester was told to remain in the office while the Agent left the room. The Agent returned with a man named . The Agent told the Tester that was new to the real estate business and she wanted to help him, so he would be coming along with her and the Tester to see houses.
8. The Agent did not ask for the Tester's home or work telephone number.
9. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status (<u> </u> asked)	Married
Tester's Income Only	\$100,500
Tester's Occupation	Engineer at Hamilton Standard and Self-employed Consulting Business
Number of Bedrooms	Open
Style of House	Open
Location of Housing	Open
Down Payment Available	\$50,000
Present Housing	Renting
Debts	None

<u>Agent Asked</u>	<u>Tester Response</u>
--------------------	------------------------

Source of Information Leading You to Agent	Friend
---	--------

10. _____ asked the Tester why he was looking in the Danbury area. The Tester said to weigh possible business consulting opportunities. Agent _____ told the Tester he should be looking in an area closer to his present place of work (Windsor Locks).
11. The Agent did not mention how financing would be obtained.
12. The Tester was shown the following houses located in Danbury:

20 Hickory Street	Danbury	\$149,000
3 Hillside Road	Danbury	\$149,900
13. The Agent gave the Tester a Homes Magazine and told him to look through it and call her if he had any questions.
14. The time spent with the Tester was from 1:00 PM to 1:30 PM.

FINDINGS

1. The Agent did not offer to show any other houses to the White Tester. The White Tester was not asked where he worked.
2. The Agent told the Black Tester that he should look in areas closer to his employment in Windsor Locks for housing.
3. The White Tester was not asked any questions concerning his personal or financial background.
4. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in Danbury:

<u>Census</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
<u>Tract No.</u>				
2113	3 Hillside Road	98.18%	.75%	1.53%
2103	20 Hickory Street	94.27	2.99	3.78
	<u>Average Percentage</u>	96.23%	1.87%	2.66%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-six percent (96%) White Population.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 115 TEST SITE:

AGENT:

FACTS

FIRST TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 16, 1989, the Tester called the office of _____ and asked for Agent _____ regarding a house for sale located in Windsor. The house was priced at \$154,900 and was advertised in the Homes and Condos Magazine Vol. 8, No. 7, dated September 21 - October 5, 1989. The ad stated "Windsor - \$154,900." The person that answered the telephone gave the Tester the Agent's home telephone.
3. The Tester called the Agent at home and the Agent said that she would meet the Tester at the office the evening of October 17, 1989.
4. The Tester was asked the following questions during her real estate visit at the office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation	Bank Collection Consultant
Number of Bedrooms	Two plus
Style of House	Split, Ranch, Raised Ranch
Location of Housing	Any town around Bradley International Airport
Price Range of Housing	\$150,000 - Low \$200,000
Down Payment Available	No problem with mortgage - Tester knows the banks.
Desired Occupancy Date	By the end of the year.

5. The Agent provided the Tester with a computer print-out of houses in Windsor and Windsor Locks. The price range of houses provided on the computer print-out was from \$164,000 - \$209,000. The Agent told the Tester that these

houses were available for inspection at a later date. The Agent did not take the Tester out to see any houses due to the lateness of the evening.

- 6. The time spent with the Tester was from 6:15 PM to 8:15 PM.

SECOND TEST - BLACK MALE

- 1. _____ served as himself as a Tester.
- 2. On November 4, 1989, the Tester called the office of _____ and spoke to Agent _____ and requested to see housing in the Windsor area.
- 3. The Tester made an appointment for November 6, 1989.
- 4. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Income Only	\$112,000
Tester's Occupation	Self-employed Architect
Style of House	Open
Location of Housing	Open
Price Range of Housing	\$110,000 - \$200,000
	Down Payment Available: \$50,000 (Tester Volunteered)
Present Housing	Renting
Desired Occupancy Date	As soon as possible.
Source of Information Leading You to Agent	East of the River Magazine
Debts	None

- 5. The Agent said that she did not expect the Tester to have any trouble in obtaining financing.

6. The Agent showed the Tester the following houses located in Windsor:

173 East Street	\$179,900
43 Hollow Brook Road	\$189,900
10 Tamarack Drive	\$194,000
122 Country Club	\$234,900

7. The time spent with the Tester was from 1:00 PM to 4:15 PM.

FINDINGS

1. The White Tester was not shown any houses, nor asked about her income.
2. The Black Tester was asked about his income.
3. The Black Tester was shown four houses.
4. The White Tester was not asked questions concerning debt.
5. The Black Tester was asked questions concerning debts.
6. The Black Tester was asked about his present housing.
7. The Agent did not ask the White Tester about her present housing.
8. The Census Tract Data was not analyzed because this Test was invalid due to the different price ranges quoted by the Tester.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 116 TEST SITE:

AGENTS:

FACTS

FIRST TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 23, 1989, the Tester called the office of _____ and spoke with Agent _____. The Tester asked _____ to see houses because the Tester was relocating from Massachusetts.
3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Single
Tester's Household Income	\$49,000
	Tester's Occupation and Employer: CVS Pharmacist (Tester Volunteered)
Tester's Income Only	\$49,000
Number of Bedrooms	Two plus
Style of House	Not new construction
Price Range of Housing	\$225,000 - \$300,000
Down Payment Available	\$100,000

4. The Agent suggested the Avon area to look at houses and told the Tester that she would set up an appointment. The Tester made an appointment with the Agent on October 23, 1989.
5. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked Tester Response

Present Housing Renting

Desired Occupancy Date Soon

Source of Information CVS Recommendation
Leading You to Agent

Debts Miminal

6. The Agent told the Tester that she did not expect the Tester to have any trouble in obtaining financing and offered the Tester names and telephone numbers of banks if the Tester did not have a bank in the area to deal with.

7. The Agent showed the Tester the following houses which are located in Avon:

29 Sepous Road	\$205,000
76 Cider Brook	\$237,500
27 Blueberry Lane	\$248,000
2 Forest Hill Drive	\$248,500

8. The time spent with the Tester was from 1:00 PM to 3:30 PM.

SECOND TEST - HISPANIC FEMALE

1. _____ served as a Tester using the name _____.

2. On November 17, 1989, the Tester called the office of _____ and spoke with Agent _____ making an appointment to see houses that day.

3. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked Tester Response

Tester's Employer Self-employed

Number of Bedrooms Three

Style of House Contemporary and Open

Location of Housing Open

<u>Agent Asked</u>	<u>Tester Response</u>
Present Housing	Renting
Price Range of Housing	Up to \$300,000
Desired Occupancy Date	As soon as possible.
Source of Information Leading You to Agent	Newspaper

- The Agent said that she would refer the Tester to financial institutions upon finding a house that the Tester liked.
- The Agent showed the Tester 84 Juniper Drive, Avon listed for sale at \$259,900 and provided the Tester with a computer print-out of five other houses listed below:

Nepaug Road	Burlington	\$224,000
11 Ledgewood Road	Canton	\$266,000
159 Burnham Road	Avon	\$270,000
36 Banks Road	Simsbury	\$279,900
12 Timber Ridge Dr.	Simsbury	\$339,900

- The time spent with the Tester was from 6:30 PM to 8:05 PM.

FINDINGS

- The White Tester was not asked where she was employed.
- The Hispanic Tester was asked where she was employed.
- Listed below is an analysis of the Census Tracts of houses shown to the White Tester in Avon:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4622 2 Forest Hill Drive	98.39%	.80%	.82%
4622 76 Cider Brook	98.39	.80	.82
4621 27 Blueberry Lane	98.58	.47	.57
4621 29 Sepous Road	98.58	.47	.57
<u>Average Percentage</u>	98.48%	.63%	.69%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

4. Listed below is an analysis of the Census Tracts of houses shown and offered to the Hispanic Tester:

<u>Census</u>				<u>White</u>	<u>Black</u>	<u>Hispanic</u>
<u>Tract No.</u>						
4621	84	Juniper Drive	Avon	98.58%	.47%	.57%
4101		Nepaug Road	Burlington	98.90	.28	.94
4641	11	Ledgewood Road	Canton	98.76	.30	.60
4622	159	Burnham Road	Avon	98.39	.80	.82
4661	36	Banks Road	Simsbury	97.77	.94	.83
	12	Timber Ridge Dr	Simsbury	(Data Not Available)		
<u>Average Percentage</u>				98.48%	.56%	.75%

The Census Tract Data indicates that the Hispanic Tester was shown and offered houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 117 TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as herself as a Tester.
2. On October 6, 1989 the Tester called _____ and spoke to Agent _____ regarding condominiums for sale located in Windsor Locks. The condominiums were priced at _____ and advertised in the East of the River Magazine dated October 3, 1989. The ad stated _____.
3. The Tester made an appointment for October 18, 1989 to see the _____. The Tester arrived at the complex on October 18, 1989 and noted that the real estate office was closed.
4. On October 22, 1989, the Tester called the real estate office and spoke to Agent _____ and telling her that the real estate office was closed when the Tester arrived on October 18, 1989. The Agent told the Tester that the hours quoted to the Tester were wrong and that the East of the River Magazine had a misprint in it. The Tester made another appointment to visit the complex on October 22, 1989.
5. The Tester arrived at the project and was greeted by the Agent and a loan officer named _____. The loan officer explained financing information.
6. The Tester was asked to fill out a form to record her name, address and telephone number.
7. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked

Tester Response

Style of Condominium

Open

8. The Tester reported that other people were present and looking at condominiums. The Tester was shown two condominium models - Unit 2A and 1C. The units were in the price range of \$143,900 - \$145,900.

9. The time spent with the Tester 12:00 PM to 12:30 PM.

SECOND TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On October 24, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a condominium for sale located in Windsor Locks.
3. The Tester made an appointment with Agent _____ for October 25, 1989.
4. The Tester was greeted by the Agent who was with another customer. The Tester was asked to fill out a form to register her name, address, telephone number and where she heard of the condominiums at _____.
5. The Agent gave the Tester a brochure on the condominiums and showed her two units.
6. The Agent asked the Tester if she had any questions concerning the units that the Tester saw. The Tester said she didn't.
7. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Debts	None
Present Housing	Renting

8. The time spent with the Tester was from 2:00 PM to 2:50 PM.

FINDINGS

1. Both Black and White Tester received brochures and were shown the condominium units.
2. A loan officer was present and explained financing options when the Black Tester was present. A loan officer was not present when the White Tester visited the condominium complex to explain financing options.

Cordula DiAugustino July 14 1990
 Cordula DiAugustino, Testing Coordinator este

TESTING COORDINATOR'S SUMMARY

TEST NO. 118 TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK TESTER

1. _____ served as herself as a Tester.
2. On October 11, 1989, the Tester called the office of _____ and spoke to _____ regarding a house for sale located in Manchester. The house was priced at \$136,900 and was advertised in the East of the River Magazine dated October 3, 1989. The ad stated "Manchester - \$136,900."
3. The Tester made an appointment for October 16, 1989.
4. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked

Tester Response

	Marital Status: Single, but engaged (Tester Volunteered)
Tester's Income Only	\$45,000
Tester's Employer	_____
Tester's Fiance's Employer	Federal Government
Price Range of Housing	\$125,000 - \$175,000
Down Payment Available	\$10,000
Source of Information Leading You to Agent	East of the River Magazine
Debts	Car Loan of \$263.00 per month

5. The Agent discussed with the Tester banking requirements to obtain financing.
6. The Agent then qualified the Tester for the price range of \$125,000 - \$130,000.

7. The Agent showed the Tester the following house in Manchester:

1 Summer Street \$136,900 (House in Ad)

8. The Tester told the Agent she would get back to him after she had discussed this house with her fiance.

9. The time spent with the Tester was from 10:00 AM to 10:50 AM.

SECOND TEST - WHITE FEMALE

1. _____ served as a Tester in the name _____.

2. On October 17, 1989, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Manchester. The house was priced at \$136,900 and was advertised in the East of the River Magazine dated October 3, 1989. The ad stated "Manchester - \$136,900."

3. The Tester made an appointment for October 18, 1989.

4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Tester's Occupation and Employer: Bank Consultant/Self-employed (Tester Volunteered)
Tester's Spouse's Occupation and Employer	Bank Consultant Self-employed
Marital Status	Married
Style of Housing	Open
Price Range of Housing	\$135,000 - \$200,000
Present Housing	Renting
Source of Information Leading You to Agent	East of the River Magazine

5. The Agent showed the Tester the following house located in Manchester:

81 Hilltop Drive \$146,500

- 6. The Agent provided the Tester with a historical narrative of Manchester and how he loves the charm of the community.
- 7. The time spent with the Tester was from 7:00 PM to 8:17 PM.

FINDINGS

This Test was considered invalid for the following reasons:

- 1. The Black Tester quoted a car loan which was not part of this Test.
- 2. The Black Tester was confused about the amount of down payment.
- 3. The Black Tester did not obtain a listing of additional properties to see in the future.
- 4. Listed below is an analysis of the Census Tract of the house shown to the Black Tester in Manchester:

<u>Census Tract Nr.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
5146 1 Summer Street	97.18%	1.97%	.55%
<u>Average Percentage</u>	97.18%	1.97%	.55%

The Census Tract Data indicates that the Black Tester was shown a house in a neighborhood averaging more than ninety-seven percent (97%) White Population.

- 5. Listed below is an analysis of the Census Tract of the house shown to the White Tester in Manchester:

<u>Census Tract Nr.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
5149 81 Hilltop Drive	98.33%	1.20%	.76%
<u>Average Percentage</u>	98.33%	1.20%	.76%

The Census Tract Data indicates that the White Tester was shown a house in a neighborhood averaging more than ninety-eight percent (98%) White population.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 119 TEST SITE:

AGENTS:

FACTS

FIRST TEST - WHITE MALE

1. _____ served as a Tester using the name _____.
2. On October 3, 1989, the Tester called the office of _____ and asked to speak to Agent _____ Agent _____ said that Agent _____ was not there and she proceeded to assist the Tester. The Tester said that he was calling regarding a house for sale located in East Hartford. The house was priced at \$138,900 and was advertised in the East of the River Magazine, Vol. 8, No. 7, dated September 21 - October 5, 1989. The ad stated "East Hartford - \$138,900."
3. The Agent said the price had been lowered to \$134,900. The Agent asked the Tester for his telephone number.
4. The Tester made an appointment for October 4, 1989.
5. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Marital Status

Married

Number of Children

One

Sex of Child

Male

Tester's Income Only

\$63,000

Tester's Occupation:

Electrical Engineer
at Hamilton Standard
(Tester Volunteered)

Tester's Spouse's Occupation
and Employer: Teacher's Aide
Avery Elementary School

Number of Bedrooms

Two plus

<u>Agent Asked</u>	<u>Tester Response</u>
Style of House	Cape or Ranch
Price Range of Housing	\$125,000 plus
Down Payment Available	\$25,000 in savings and \$25,000 from inheritance
Present Housing	Renting
Debts	\$200, credit balance

6. The Agent said that she did not expect the Tester would have any trouble in obtaining financing. The Agent qualified the Tester for a house priced more than \$200,000.

7. The Agent then showed the Tester houses only in East Hartford within the price range of \$134,900 - \$174,900. The houses are listed below:

971 Forbes Street	\$134,900
97 Crestwood Trail	\$159,900
16 Naomi Drive	\$164,900
17 O'Brien Lane	\$174,900
496 Hills Street	unknown

8. The Tester told the Agent that he would get back to her in the future to see more houses.

9. The time spent with the Tester was from 9:05 AM to 12:10 PM.

SECOND TEST - BLACK MALE

1. _____ served as a Tester using the name _____.
2. On October 20, 1989, the Tester called the office of _____ and spoke with the receptionist and asked for Agent _____. The receptionist said that the Agent was not in the office now. The receptionist then gave the Tester the Agent's home phone number.
3. The Tester then called the Agent at home. The Agent said that she was very busy presently and asked the Tester if she could refer him to another _____ Agent. The Agent than referred the Tester to _____. The Tester gave his telephone number to Agent _____ for Agent _____.

4. Agent _____ called the Tester and made an appointment for October 23, 1989 in the _____ Office.
5. The Tester arrived at the office and was encouraged to look through the Multiple Listing Service Book.
6. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked.</u>	<u>Tester Response</u>
Tester's Household Income	\$100,500
Tester's Income Only	\$100,500
Tester's Occupation	Engineer
Number of Bedrooms	Open
Style of House	Open
Down Payment Available	\$50,000
Present Housing	Renting
Debts	None

7. The Agent said that he did not expect the Tester would have any trouble in obtaining financing.
8. The Agent then selected three houses for the Tester to see in South Windsor within the price range of \$214,900 - \$238,900. The Agent made positive comments about the communities of East Hartford and Windsor. The houses are listed below:

19 Wentworth Drive	\$214,900
114 Sally Drive	\$238,900
28 Gail Lane	\$239,900

9. The Tester said that he would call the Agent back to see more houses.
10. The time spent with the Tester was from 9:00 AM to 10:45 AM.

THIRD TEST - BLACK MALE

1. _____ served as himself as a Tester.

2. On November 13, 1989, the Tester called the office of _____ and asked for Agent _____. The receptionist said that it was hard to catch Agent _____ because she had a child and worked only part time. The Tester left his number and Agent _____ returned his call.

3. The Tester made an appointment for November 27, 1989.

4. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Tester's Income Only: \$112,000
(Tester Volunteered)

Number of Bedrooms: Two plus
(Tester Volunteered)

Style of House

Contemporary

Price Range of Housing

\$125,000 and up

Down Payment Available

\$50,000

Debts: None
(Tester Volunteered)

5. The Agent said that the Tester could obtain a mortgage of \$345,000.

6. The Tester was shown one house listed for \$215,000 in East Hartford and offered a list of eight homes in East Hartford, Glastonbury, and South Windsor within the price range of \$209,000 - \$289,900. The house the Tester was shown in East Hartford is listed below:

65 Godar Terrace \$215,000

7. The Agent had another appointment at 4:00 PM. The Agent told the Tester to drive by these other houses and get back to her.

8. The time spent with the Tester was from 1:30 PM to 3:30 PM.

FINDINGS

1. The White Tester was shown houses in the price range of \$134,900 - \$174,900 only in East Hartford. Black-Testers

were offered and shown houses in South Windsor, East Hartford, and Glastonbury.

2. Both of the Black Testers were not asked about their marital status, yet the White Tester was asked his marital status.
3. Listed below is an analysis of the Census Tracts of houses shown to the White Tester in East Hartford:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
5105	971 Forbes Street	84.89%	11.32%	3.95%
5110	97 Crestwood Trail	98.07	1.34	.96
5111	16 Naomi Drive	98.95	.28	.82
	17 O'Brien Lane	(Data Not Available)		
5110	496 Hill Street	98.07	1.34	1.67
<u>Average Percentage</u>		94.99%	3.57%	1.67%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than a ninety-four percent (94%) White Population.

4. The first Black Tester was shown houses in the price range of \$214,900 - \$239,900 in South Windsor.
5. Listed below is an analysis of the Census Tracts of houses shown to the first Black Tester in South Windsor:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	19 Wentworth Drive	(Data Not Available)		
	114 Sally Drive	(Data Not Available)		
	28 Gail Lane	(Data Not Available)		

The Census Tract Data was not available for the houses shown to the first Black Tester.

6. The second Black Tester was shown a house in East Hartford and offered other houses in the price range of \$209,000 - \$289,900.
7. Listed below is an analysis of the Census Tract of the house the second Black Tester was shown in East Hartford:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
5111	65 Godar Terrace	98.95%	.28%	.82%
<u>Average Percentage</u>		98.95%	.28%	.82%

The Census Tract Data indicates that the second Black Tester was shown a house in a neighborhood averaging more than a ninety-eight percent (98%) White Population.

Cordula DiAugustino August 9, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 122 TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK FEMALE

1. _____ served as herself as a Tester.
2. On February 16, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Avon. The house was priced at \$163,000 and was advertised in the Homes and Condos Magazine Vol. 8 No. 17, dated February 8 - February 22, 1990 Magazine. The ad stated "Avon - \$163,000."
3. The Agent made an appointment for February 17, 1990 for the Tester to come in to see the house.
4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
	Marital Status: Married (Tester Volunteered)
Number of Children	None
Tester's Occupation	Computer Consultant
Tester's Spouse's Occupation	Account Executive Travelers Insurance
Number of Bedrooms	Open
Style of Housing	Open
Price Range of Housing	\$163,000 - \$173,000
	Fireplace was requirement. (Tester Volunteered)
Down Payment Available	\$45,000
Present Housing	Owned and house was sold.
Source of Information Leading You to Agent	Homes and Condos Magazine

5. The Agent said that he would assist the Tester in obtaining financing and gave the Tester a list of mortgage rates from several lenders.
6. The Agent showed the Tester five houses that are located in Avon:

9 Irontree Court	\$129,900
8 Dove Circle	\$163,000 (House in Ad)
10 Keystone Circle	\$172,900
8 September Way	\$184,900
24 Parkview Drive	\$239,500

The Tester was provided with a computer print-out of other houses located in Avon in the price range of \$200,000 - \$240,000.

7. The Agent also offered the communities of Canton and West Hartford and would show the Tester houses in any town in the price range based upon a new price that was determined by asking the Tester how much she was willing to spend each month on a mortgage.
8. The time spent with the Tester was from 9:58 AM to 12:04 PM.
9. On February 22, 1990, the Tester received a call from Agent _____ of _____ at her home. The Agent asked the Tester what town the Tester wanted to see houses in. The Tester said that she was open. The Agent replied that he had a few houses in Simsbury, and West Hartford and that he could show these houses to the Tester this weekend.
10. The Tester said that she would prefer West Hartford since Simsbury was too far from her place of work. An appointment was made for February 24, 1990 so the Tester could see houses that the Agent selected in West Hartford.
11. The Agent showed the Tester the following houses in West Hartford:
 - 178 North Main Street \$193,000
 - 15 Carlyle Road \$199,000
 - 36 Ridgebrook Drive \$204,500
 - 550 Mountain Road \$225,000
 - 23 King Road \$239,900
12. The Agent said that he would continue to locate houses and would call the Tester next weekend.
13. The time spent with the Tester was from 4:17 PM to 6:07 PM.

SECOND TEST - WHITE FEMALE

1. _____ served as herself as a Tester.
2. On February 20, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Avon. The house was priced at \$163,000 and was advertised in the Homes and Condos Magazine Vol. 8, No. 17, dated February 8 - February 22, 1990. The ad stated "Avon - \$163,000."
3. The Agent made an appointment on February 22, 1990 and the Tester asked for directions to the real estate office from Enfield. The Agent asked the Tester why she would be looking in the Avon area. The Tester said that she is in retail sales and a new store is opening in Manchester and the Tester is planning to relocate.
4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Married
Number of Children	None
Tester's Household Income	\$88,000
Tester's Income Only	\$40,000
Tester's Spouse's Income	\$48,000
Tester's Employer	Woman's World
	Tester's Previous Employer: Record Town (Tester Volunteered)
Tester's Spouse's Employment	Combustion Engineering
Style of House	Open
Location of Housing	Open
Price Range of Housing	\$163,000 - \$173,000
Down Payment Available	\$45,000
	Present Housing: Renting (Tester Volunteered)

Agent Asked

Tester Response

Debts (Did the Tester have a car payment?) None

5. The Agent then prepared a qualifying form through the Multiple Listing Computer that said the Tester was qualified for a house with a sales price of \$166,563.
6. The Agent said that the Tester would not have any trouble in obtaining financing and the Tester and her husband could go for a higher priced home.
7. The Tester was shown the following houses in Avon by the Agent:

8 Dove Circle	\$163,000 (House in Ad)
62 Old Farms Road	\$210,000
8. The Tester did not receive computer print-outs of houses for sale.
9. The time spent with the Tester was from 11:10 AM to 12:50 PM.
10. On February 23, 1990, the Agent called the Tester at work and asked the Tester if she had decided on what towns she was interested in. The Tester said that she would have to discuss this with her husband.

FINDINGS

1. The White Tester was shown 62 Old Farms Rd., Avon. The Black Tester was not shown this house even though it was available on the two occasions when the Black Tester visited the Test Site. However, the Black Tester was shown homes not shown the White Tester.
2. The White Tester received a computer print-out and analysis regarding affordability of housing. The Black Tester was not asked about her husband's income nor provided with a computer print-out giving a financial analysis of affordability. However, the Black Tester was provided mortgage financing information not provided the White Tester.
3. The Black Tester was taken to 8 September Way, Avon, a property in poor condition. The White Tester was also taken to Pond Place and not shown this unit, but others of better quality. However, the Black Tester was also shown other homes in Pond Place of better quality.

4. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in Avon and West Hartford:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4621	24 Parkview Drive	98.58%	.47%	.57%
4622	8 September Way	98.39	.80	.81
4622	9 Irontree Court	98.39	.80	.81
4622	10 Keystone Circle	98.39	.80	.81
4622	8 Dove Circle	98.39	.80	.81
4974	550 Mountain Road	98.53	.25	.95
4963	23 King Road	97.69	.48	.87
4964	36 Ridgebrook Drive	98.04	.31	1.01
4970	178 North Main Street	98.09	.62	.90
4973	15 Carlyle Road	97.25	1.24	.75
<u>Average Percentage</u>		98.17%	.66%	.75%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

5. Listed below is an analysis of the Census Tracts of houses shown to the White Tester in Avon:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4622	62 Old Farms Road	98.39%	.80%	.81%
4622	8 Dove Circle	98.39	.80	.81
<u>Average Percentage</u>		98.39%	.80%	.81%

The Census Tract Data indicates that the White Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

Cordula DiAugusto August 8, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 123

TEST SITE:

AGENT:

FACTS

FIRST TEST -BLACK FEMALE

1. _____ served as herself as a Tester.
2. On February 16, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Farmington. The house was priced at \$192,900 and was advertised in the Homes and Condos Magazine Vol. 8, No. 17, dated February 8 - February 12, 1990. The ad stated "Farmington - New Listing - \$192,900."
3. The Tester made an appointment for February 17, 1990.
4. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Have you been looking for a house long?	No
Have you looked at many houses?	Not many.
Do you have a house to sell?	No
Is this house in your price range?	Yes

5. The Agent gave the Tester directions to Farmington Center where the real estate office was located.
6. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Number of Bedrooms	Number of Children: One (Tester Volunteered)
	Open

<u>Agent Asked</u>	<u>Tester Response</u>
Style of House	Open
Price Range of Housing	\$192,900 - \$202,900
Present Housing	Own
Desired Occupancy Date	As soon as possible.
Source of Information Leading You to Agent	Homes and Condos Magazine

7. The Tester arrived at the real estate office and almost immediately the Agent drove the Tester in her car to the house in the ad. (224 Plainville Ave., Farmington - \$192,900).
8. The Agent showed the Tester the house at 224 Plainville Ave., in Farmington and gave the Tester a computer print-out of this house.
9. The Agent drove the Tester by more houses that were for sale and told the Tester how expensive they were. The Agent did not show the Tester these houses.
10. The Tester reported the Agent said that the Tester had mentioned she lived in Bloomfield and there was a new development with houses in her price range. The Agent gave the Tester information on Bloomfield houses when they arrived at the office. _____ Price Range \$199,900 - \$249,900).
11. At the real estate office, the Agent described the floor plans of the _____ located in Bloomfield to the Tester.
12. The Tester asked the Agent, if the Agent sold houses in other towns. The Agent said she could sell houses in any towns and asked the Tester what towns she was interested in. The Tester said that she wanted to see houses in the towns of Farmington, Avon, West Hartford and Windsor.
13. The Agent provided the Tester with a computer print-out of available houses located in Farmington and Unionville in the price range of \$192,900 - \$202,900 only after the Tester requested the Agent to do so.

The houses offered are listed below:

20 Elizabeth Road	\$194,000
-------------------	-----------

38 Haberern Avenue	\$194,900
1091 New Britain Avenue	\$194,900
465 Plainville Avenue	\$198,900
426 Main Street	\$199,900
16 Maple Avenue	\$199,900
267 Plainville Avenue	\$199,900
63 West District	\$199,900
156 South Road	\$204,900
420 Middle Road	\$205,000
9 Fairview Drive	\$209,000
72 Knollwood Road	\$209,900
25 Sunset Terrace, Unionville	\$213,700
87 Knollwood Road	\$217,500
15 Hemlock Notch	\$218,000
143 Woodruff Road	\$218,000
1107 New Britain Avenue	\$219,900
74 Lido Road, Unionville	\$220,000
852 Plainville Avenue	\$222,000
11 Hemlock Notch	\$224,900
391 Main Street	\$224,900
16 Walnut Street, Unionville	\$225,000

14. The Tester told the Agent that she wanted to go home and review the computer print-outs of the houses. The Agent again mentioned to the Tester that she would be happy to meet the Tester at the new development in Bloomfield.
15. The time spent with the Tester on the first test was from 3:36 PM to 4:37 PM.
16. On March 2, 1990, the Tester called the office of _____ and spoke to Agent _____. The Tester reintroduced herself and asked the Agent if she had additional houses for the Tester to see.
17. The Agent said not really and asked the Tester if she had seen the _____ in Bloomfield.
18. The Tester said no and that she did not want to drive by these houses.
19. The Agent said that she was busy answering phones and could she call the Tester back. The Tester said yes.
20. The Agent called the Tester back on March 2, 1990 after 5:30 PM. The Tester said that the only houses she had seen previously with the Agent were in Farmington. The Agent made an appointment with the Tester to show her some houses on March 3, 1990.
21. The Tester arrived at the real estate office and the Agent had computer print-outs of houses to show the Tester in

Farmington, Unionville, and Avon. The Agent also told the Tester that she was going to take the Tester to Bloomfield to see the _____. The Tester gave no response.

22. The Agent showed the Tester the following houses listed below:

156 South Road	Farmington	\$204,900
25 Sunset Terrace	Unionville	\$209,700
72 Knollwood Road	Farmington	\$209,900
103 Country Club Road	Avon	\$210,900
143 Woodruff Road	Farmington	\$218,000
11 Hemlock Notch	Farmington	\$224,900
8 Tanglewood Road	Farmington	\$229,900
67 Chevas Road	Avon	\$239,900
1 Paperchase Drive	Farmington	\$239,900

23. The time spent with the Tester on the second test was from 9:48 AM to 12:54 PM.

SECOND TEST - WHITE FEMALE

1. _____ served as herself as a Tester.
2. On March 1, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Farmington. The house was priced at \$192,900 and was advertised in the Homes and Condos Magazine Vol. 8, No. 17, dated February 8 - February 12, 1990. The ad stated "Farmington - New Listing - \$192,900".
3. The Tester was asked the following questions during her visit at the real estate office:

Agent Asked

Tester Response

Marital Status: Married
(Tester Volunteered)

Tester and Tester's Spouse's
Occupation: Retail Store Manager
and Nuclear Engineer
(Tester Volunteered)

Style of House

Open

Location of Housing

Open

Agent AskedTester Response

Price Range of Housing: \$192,900
- \$202,900
(Tester Volunteered)

Down Payment Available: \$45,000
(Tester Volunteered)

Present HousingRenting

4. The Tester saw the house on 224 Plainville Ave., Farmington. The Agent said the Builder lives in the house. On the way traveling back to the office the Agent mentioned to the Tester that the town of Burlington does not have good resale value and that the Valley Towns are better.
5. The Agent brought the Tester back to the office and looked through the Multiple Listing Service Book and told the Tester that she would need to be more specific information concerning her housing needs because of the availability of housing.
6. The Agent gave the Tester a pamphlet on _____ in Bloomfield and did not discuss it with her.
7. The Tester said that she would call the Agent back after she looked over the towns.
8. The Agent did not offer to give the Tester any computer print-outs on houses or towns, discuss financing, or obtain the Tester's telephone number in order to contact her in the future.
9. The time spent with the Tester was from 3:00 PM to 4:05 PM.

FINDINGS

1. The Black Tester was told twice to see the Bloomfield houses by the Agent.
2. The White Tester was also offered the Bloomfield houses.
3. The Agent did not insist that the White Tester be shown the Bloomfield houses.
4. The Black Tester told the Agent that she owned a house in Bloomfield and wanted to see Farmington, and Avon houses.

5. The house located at 224 Plainville Rd., Farmington is the _____ . This fact was not mentioned to either Tester.
6. Listed below is an analysis of the Census Tracts of houses offered or shown to the Black Tester in Farmington and Unionville:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4603	72 Knollwood Road (House Shown)	98.51%	.61%	.51%
4603	267 Plainville Avenue	98.51	.61	.51
4602	1091 New Britain Avenue	97.21	1.05	.82
4603	224 Plainville Ave. (House Shown)	98.51	.61	.51
4603	11 Hemlock Notch	98.51	.61	.51
4602	852 Plainville Avenue	97.21	1.05	.82
4603	16 Walnut Street	98.51	.61	.51
4602	391 Main Street	97.21	1.05	.82
4603	74 Lido Road	98.51	.61	.51
4602	1107 New Britain Avenue	97.21	1.05	.82
4601	143 Woodruff Road	98.98	.58	.44
4603	15 Hemlock Notch	98.51	.61	.51
4603	87 Knollwood Road	98.51	.61	.51
	25 Sunset Terrace	(Data Not Available)		
4601	9 Fairview Drive	98.98	.58	.44
4601	420 Middle Road	98.98	.58	.44
4601	156 South Road (House Shown)	98.98	.58	.44
4602	16 Maple Avenue	97.21	1.05	.82
4603	465 Plainville Avenue	98.51	.61	.51
4603	63 West District	98.51	.61	.51
4602	426 Main Street	97.21	1.05	.82
	38 Haberern Avenue	(Data Not Available)		
4602	20 Elizabeth Road	97.21	1.05	.82
4603	72 Knollwood Road	98.51	.61	.51
4603	8 Tanglewood Road (Shown)	98.51	.61	.51
	25 Sunset Lane (House Shown)	(Data Not Available)		
4621	67 Chevas Road, Avon (Shown)	98.58	.47	.57
4622	103 Country Club Rd, Avon (Shown)	98.39	.80	.82
4603	1 Paperchase Drive (Shown)	98.51	.61	.51
4603	11 Hemlock Notch (House Shown)	98.51	.61	.51
4601	156 South Road	98.98	.58	.44
4601	143 Woodruff Road (House Shown)	98.98	.58	.44
4714	Woodhams Road	91.37	7.38	.88
4714	Brown Street	91.37	7.38	.88
	<u>Average Percentage</u>	97.85%	1.14%	.60%

The Census Tract Data indicates that the Black Tester was offered and shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

7. Listed below is an analysis of the Census Tracts of houses offered and shown to the White Tester in Farmington and Bloomfield:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4603 224 Plainville Avenue	98.51%	.61%	.51%
4714 Woodhams Road	91.37	7.38	.88
4714 Brown Street	91.37	7.38	.88
<u>Average Percentage</u>	<u>93.75%</u>	<u>5.12%</u>	<u>.76%</u>

The Census Tract Data indicates that the White Tester was offered and shown houses in neighborhoods averaging more than ninety-three percent (93%) White Population.

Cordula DiAugusto August 8, 1990
 Cordula DiAugustino, Testing Coordinator Date Page 43dddd

TESTING COORDINATOR'S SUMMARY

TEST NO. 124

TEST SITE:

AGENT:

FACTS

FIRST TEST - WHITE MALE

1. _____ served as a Tester using the name _____.
2. On February 7, 1990, the Tester walked into the office of _____ and spoke with Agent _____. The Tester said that he was interested in a home offered for sale in the Homes and Condos Magazine dated January 11 - January 25, 1990 in "Plainville, Reduced - \$119,000." The Agent told the Tester that there was a deposit on the house.
3. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Do you work locally?

Floater Pharmacist for
Brooks Pharmacies
Living in Springfield,
Massachusetts

Tester's Spouse's
Employer

Bay State Medical Center

What about the commute?

Tester and Tester's Spouse were
originally from Connecticut and
desire to return.

Number of Bedrooms: Three
(Tester Volunteered)

Price Range of Housing

\$120,000 - \$130,000

4. The Agent provided the Tester with copies of listings of houses from the Multiple Listing Book. The Agent told the Tester to drive by them, if interested, he should call the Agent to make arrangements to see them.
5. The Agent offered the Tester the houses that are listed below located in Plainville:

16 Stremlau Avenue

\$119,900

190 Milford Street Ext.	\$124,900
7 Mountain View Drive	\$127,900
4 Elizabeth Court	\$129,900
64 Fairbanks Street	\$129,900
136 Shuttle Meadow Road	\$129,900
8 Grant Avenue	\$132,900
51 Forestville Avenue	\$135,900
237 Unionville Avenue	\$136,900
25 Forest Street	\$137,900
433 East Street	\$139,000
11 Day Street	\$139,500
30 Basswood Street	\$139,900
61 Diamond Avenue	\$139,900
90 Pershing Drive	\$140,000
25 Hughes Street	\$143,900
55 Tomlinson	\$144,000
38 Cody Avenue	\$144,900
29 North Street	\$144,900
20 Hemingway Street	\$146,900
32 Hemingway Street	\$149,900
8 McConnel Street	\$149,900
10 Florence Lane	\$152,900
215 Westwood	\$159,900

The Agent told the Tester that he should especially see these houses listed below because they were near the office:

23 Hemingway Street, Plainville	\$146,900
32 Hemingway Street, Plainville	\$149,900

- The time spent with the Tester was from 9:45 AM to 10:40 AM.
- On February 20, 1990, the Tester called the real estate office and spoke with Agent _____. The Tester stated that he would like to see houses in the price range of \$120,000 - \$130,000.
- The Agent asked the Tester if he was locked into the \$130,000 price range and only interested in the Plainville area. The Tester said that highway access was important to him in the location of a house. The Tester made an appointment to see houses on February 22, 1990.
- The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation	Pharmacist
Down Payment Available	\$29,000 plus \$10,000 for Closing Costs

<u>Agent Asked</u>	<u>Tester Response</u>
Number of Bedrooms	Three
Style of Housing	Open
Price Range of Housing	\$120,000 - \$130,000
	Present Housing: Renting (Tester Volunteered)
	Source of Information Leading You to Agent: Homes and Condos Magazine (Tester Volunteered)

10. The Agent showed the Tester the houses listed below:

18 Hepworth Street	Bristol	\$129,900
237 Unionville Avenue	Plainville	\$136,900
1 Zwicks Farm Road	Southington	\$139,900
38 Cody Avenue	Plainville	\$139,900
8 Hemingway Street	Plainville	\$146,900

11. The Agent told the Tester that the houses selected were a random sampling of house types so that the Agent could learn the Tester's likes and dislikes.

12. The Agent said he did not expect the Tester would have any trouble in obtaining financing.

13. The time spent with the Tester was from 1:05 PM to 3:00 PM.

SECOND TEST - BLACK MALE

1. _____ served as a Tester using the name _____.

2. On February 23, 1990, the Tester called the office of _____ and spoke with Agent _____ concerning his housing needs.

3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Where do you live?	Farmington
Price Range of Housing	I hadn't given it much thought.

Agent Asked

Tester Response

What do you have?

Wide Range of Prices and I can not show any places today. I need time to set up appointments with the owners before I arrive to go through their homes.

Can we meet on Saturday? No, but I can meet on Monday, February 26, 1990 at 10:00 AM.

Yeah, that will be fine. I'll show you four houses in the area.

- 4. The Tester arrived at the office at 9:50 AM and was told that due to a snowstorm none of the houses could be shown because the Agent did not have confirmation from any of the owners to show them.
- 5. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Tester's Employer

Hamilton Standard in Windsor Locks.

Tester's Spouse's Occupation

Elementary School Teacher

Marital Status

Married

Present Housing

Condo

What is your Condo's value and how long have you lived there?

I have no idea and I have lived there for about four years.

Where do you live?

9 Haworth Street, Farmington

Price Range of Housing

\$120,000 - \$130,000

The Agent commented that the Tester worked at Hamilton Standard and asked the Tester why was he looking for a house in Plainville.

6. The Agent looked through the Multiple Listing Book to select houses and suggested that the Tester drive by them. The Agent provided the Tester with copies of house descriptions from the Multiple Listing Book.

The houses listed below are located in Plainville:

29 Dallas Avenue	\$112,900
47 Atherton Terrace	\$114,900
52 Barlett Street	\$115,900
98 Arcadia Avenue	\$119,900
20 Exeter Avenue	\$119,900
41 Mountain View Drive	\$119,900
49 Dogwood Road	\$124,900
190 Milford Street Ext.	\$124,900
20 Canal Street	\$129,000
8 Grant Avenue	\$129,500
14 Canterbury Lane	\$129,900
4 Elizabeth Court	\$129,900
64 Fairbanks Street	\$129,900
136 Shuttle Meadow Road	\$129,900
11 Betsy Road	\$132,000
8 Exeter Avenue	\$132,000
51 Forestville Avenue	\$132,000
237 Unionville Avenue	\$136,900
12 Hale Court	\$138,000
433 East Street	\$139,000
11 Day Street	\$139,500

7. The Agent did not mention to the Tester how the Tester could obtain financing.
8. The Agent gave the Tester a _____ Information packet and asked the Tester to be honest with him if the Tester found someone else whom he planned to buy from. The Agent also said he did not want the Tester to feel uncomfortable if he discontinued his association with him. The Tester said that he agreed.
9. As the Tester was leaving the office the Agent again asked the Tester for whom he worked and what was his occupation. The Tester said Hamilton Standard and that he was an electrical engineer.
10. The time spent with the Tester was from 10:15 AM to 10:55 AM.

FINDINGS

1. The White Tester was offered and shown properties in the price range of \$119,900 - \$159,900.

2. Listed below is an analysis of the Census Tracts of houses offered and shown to the White Tester in Plainville:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4202	29 North Street	95.21%	3.44%	1.57%
4201	20 Hemingway Street	97.99	1.48	1.30
4201	32 Hemingway Street	97.99	1.48	1.30
4201	8 McConnel Street	97.99	1.48	1.30
4201	10 Florence Lane	97.99	1.48	1.30
4203	215 Westwood	98.32	.88	2.10
4202	30 Basswood Street	95.21	3.44	1.57
4202	61 Diamond Street	95.21	3.44	1.57
4202	90 Pershing Drive	95.21	3.44	1.57
4201	25 Hughes Street	97.99	1.48	1.30
4202	55 Tomlinson	95.21	3.44	1.57
4201	38 Cody Avenue	97.99	1.48	1.30
4202	8 Grant Road	95.21	3.44	1.57
4201	51 Forestville Avenue	97.99	1.48	1.30
4201	237 Unionville Avenue	97.99	1.48	1.30
4201	25 Forest Street	97.99	1.48	1.30
4202	433 East Street	95.21	3.44	1.57
4201	11 Day Street	97.99	1.48	1.30
4202	16 Stremlau Avenue	95.21	3.44	1.57
4203	190 Milford Street Ext.	98.32	.88	2.10
4203	7 Mountain View Drive	98.32	.88	2.10
4201	4 Elizabeth Court	97.99	1.48	1.30
4201	64 Fairbanks Street	97.99	1.48	1.30
4203	136 Shuttle Meadow Road	98.32	.88	2.10
4054	18 Hepworth Street, Bristol	96.84	2.37	1.44
4303	1 Zwicks Farm Rd., Southington	98.91	.58	.72
<u>Average Percentage</u>		97.18%	1.99%	1.49%

The Census Tract Data indicates that the White Tester was offered and shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

3. The Black Tester was offered houses in the price range of \$112,900 - \$139,500.

4. Listed below is an analysis of the Census Tracts of houses offered to the Black Tester in Plainville:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
	29 Dallas Avenue	(Data Not Available)		
4203	42 Atherton Terrace	98.32%	.88%	2.10%
4202	52 Bartlett Street	95.21	3.44	1.57
4203	98 Arcadia Avenue	98.32	.88	2.10

<u>Census</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
<u>Tract No.</u>				
4202	20 Exeter Avenue	95.21	3.44	1.37
4203	41 Mountain View Drive	98.32	.88	2.10
4202	49 Dogwood Road	95.21	3.44	1.57
4203	190 Milford Street Ext.	98.32	0.88	2.10
4201	20 Canal Street	97.99	1.48	1.30
4202	8 Grant Avenue	95.21	3.44	1.57
4203	14 Canterbury Lane	98.32	.88	2.10
4201	4 Elizabeth Court	97.99	1.48	1.30
4201	64 Fairbanks Street	97.99	1.48	1.30
4203	136 Shuttle Meadow Road	98.32	.88	2.10
4202	11 Betsy Road	95.21	3.44	1.57
4202	8 Exeter Avenue	95.21	3.44	1.57
4201	51 Forestville Avenue	97.99	1.48	1.30
4201	237 Unionville Avenue	97.99	1.48	1.30
4202	12 Hale Court	95.21	3.44	1.57
4202	433 East Street	95.21	3.44	1.57
4201	11 Day Street	97.99	1.48	1.30
<u>Average Percentage</u>		96.98%	2.08%	1.65%

The Census Tract Data indicates that the Black Tester was offered houses in neighborhoods averaging more than ninety-six (96%) White Population.

5. The Black Tester was not shown any houses, even though the Agent had three days notice to call the homeowners and make appointments.
6. The Agent completed the task of making appointments to see houses for the White Tester in two days.
7. The Black Tester was questioned regarding his choice of town he wanted to live in by the Agent because of where the Tester worked.
8. The White Tester lived further away and was only asked about the commute.
9. The White Tester was shown houses in Bristol and Southington. These towns were not mentioned to the Black Tester.
10. The Agent told the Black Tester to be honest with him if he found another Agent to work with him as he wanted the Tester to feel comfortable. This was not discussed with the White Tester.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 125

TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK MALE

1. _____ served as himself as a Tester.
2. On February 22, 1990, the Tester called the office of _____ and spoke to _____ regarding a house for sale located in Hartford. The house was advertised in the Homes and Condos Magazine, Vol. 8, No. 17 dated February 8 - February 22, 1990. The ad said "Hartford Delightfully Pleasant."
3. _____ told the Tester that an Agent would call him back. Agent _____ called the Tester back and told him the house listed in the Homes and Condos Magazine had a deposit on it.
4. The Tester told the Agent that he was looking in the price range of \$149,000 - \$159,000. The Agent said that there was lots of houses available in that price range and told the Tester the addresses and prices of seven houses in the Hartford area.
5. The Tester said that he was not interested in downtown Hartford.
6. The Tester called the Agent again on February 23, 1990 and told him that he had checked out the houses that the Agent had given to him previously and did not see anything appealing.
7. The Agent said that he would produce a computer print-out of houses available and would get back to the Tester.
8. On February 26, 1990, the Tester called the Agent again and, at this time an appointment was made to visit the office on February 28, 1990.
9. The Tester was asked the following questions during his visit at the real estate office:

Agent Asked

Tester Response

Tester's Income Only

\$112,000

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation	Free Lance Architect
Number of Bedrooms	Three
Style of House	Comtemporary, Split or Ranch
Location of Housing	Within twenty minutes of Hartford.
Other	A Study Room & good closet space
Price Range of Housing	\$149,000 - \$159,000
Down Payment Available	\$65,000
Present Housing	Renting
Debts	None

10. The Agent mentioned that he did not expect the Tester would have any trouble in obtaining financing.
11. The Agent stated that the interest rate for a mortgage would be approximately 9 3/4% to 10 1/4% and the Tester was qualified for a \$290,000 mortgage.
12. The Agent suggested to start looking for houses in the \$175,000 price range.
13. The Agent provided a computer print-out of available houses in the towns of Bloomfield, Windsor, South Windsor, and West Hartford that the Tester was interested in.
14. The Tester was told to drive by more than 100 houses on the computer print-out the Agent provided and call the Agent if he saw anything he was interested in.
15. The Agent told the Tester he did not have the time to work with prospective purchasers who had gone out with two or three other Agents.
16. The time spent with the Tester on the first visit was from 1:10 PM to 3:55 PM.
17. The Tester called the office on March 7, 1990 and left a message with the receptionist to have the Agent call him. The Agent called the Tester back in fifteen minutes.

18. The Agent told the Tester to meet him at the real estate office for an appointment on March 13, 1990 to see three houses in South Windsor.
19. The Tester was shown the three South Windsor houses all in the price range of less than \$175,000.
20. The time spent with the Tester on the second visit was from 1:30 PM to 4:10 PM.

FINDINGS

1. Limited Tester resources prevented completion of this test.
2. A great deal of difficulty and delay was encountered for even one Tester to obtain appointments with this Test Site.
3. The Black Tester was qualified for houses worth over \$300,000 yet was never shown any houses in that price range.
4. The computer print-outs received were not analyzed for Census Tract Data information due to the hundreds of houses presented and the fact that the Test could not be completed.

Cordula DiAugustino
Cordula DiAugustino, Testing Coordinator

July 11, 1990
Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 127 TEST SITE: _____

AGENT: _____

FACTS

FIRST TEST - WHITE FEMALE

1. _____ served as a Tester using the name _____.
2. On February 5, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale. The house was priced at \$154,900 and was advertised in the Record-Journal dated January 27, 1990. The ad stated "A Little Bit of Heaven! - \$154,900."
3. The Tester made an appointment on the same day.
4. The Tester was asked the following questions during her visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Tester's Occupation and Employer	CVS Pharmacist
Number of Bedrooms	Three plus
Style of House	Open
Location of Housing	Open
Price Range of Housing	\$155,000 - \$165,000
	Present Housing: Renting (Tester Volunteered)

5. The Agent showed the Tester one house located at 430 Swain Ave., Meriden - \$154,900 and told the Tester that the REALTOR'S tried to keep the prices of houses low and competitive.
6. The Agent told the Tester lots of financing was available.

7. The Agent provided the Tester with a computer print-out of houses located in Meriden:

124 Deer Run Road	\$139,900
122 Stonycrest	\$144,900
136 Tumblebrook Road	\$145,000
430 Swain Avenue	\$154,900 (Tester saw this house.)
7 Evergreen Lane	\$172,500
690 Paddock Avenue	\$199,000
5 Alexander Drive	\$214,900

8. The Agent told the Tester that owners of houses usually like twenty-four hours notice before they will allow their houses to be shown.

9. The time spent with the Tester was from 1:00 PM to 3:00 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. The White Tester requested a price range of \$155,900 - \$165,000 and was shown and offered houses in the price range of \$139,900 - \$214,900.
3. Listed below is an analysis of Census Tracts of houses offered and shown to the White Tester in Meriden:

<u>Census Tract No.</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>
1712 430 Swain Avenue	98.20%	.88%	2.03%
7 Evergreen Lane	(Data Not Available)		
1705 124 Deer Run Road	96.72	1.58	1.99
1716 122 Stonycrest	96.01	2.17	3.56
1717 5 Alexander Drive	98.95	.28	1.24
1712 136 Tumblebrook Road	98.20	.88	2.03
1712 690 Paddock Avenue	98.20	.88	2.03
<u>Average Percentage</u>	97.71%	1.11%	2.15%

The Census Tract Data indicates that the White Tester was offered and shown houses in neighborhoods averaging more than ninety-seven percent (97%) White Population.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 129 TEST SITE:

AGENT:

FACTS

FIRST TEST - BLACK MALE

1. _____ served as himself as a Tester.
2. On February 27, 1990, the Tester called the office of _____ and spoke to Agent _____ regarding a house for sale located in Avon. The house was priced at \$163,900 and was advertised in the Homes and Condos Magazine dated March 2, 1990. The Tester made an appointment for March 2, 1990. The ad stated "Avon - \$163,900."
3. The Tester was asked the following questions during his visit at the real estate office:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Married
Tester's Occupation	Architect
Tester's Spouse's Occupation	Housewife
Number of Bedrooms	Three
Style of House	Contemporary, Split or Ranch
Location of Housing	Open - Within 10 to 15 minutes of Hartford.
	Price Range: \$163,900 - \$173,900 (Tester Volunteered)
Present Housing	Renting
Desired Occupancy Date	Not rushing
	Source of Information Leading You to Agent: Newspaper (Tester Volunteered)

4. The Tester was shown the houses that are listed below:

126 Hopmeadow Street, 2E	Simsbury	\$136,000
126 Hopmeadow Street, 2C	Simsbury	\$139,900
8 Dove Circle	Avon	\$159,000
6 Nutmeg Court	Simsbury	\$159,900
38 Simsbury Manor Drive	Simsbury	\$162,500
5 Riverview Circle	Simsbury	\$169,500
19 Bristol Drive	Canton	\$164,500
10 Keystone Circle	Avon	\$172,900

5. The Agent did not discuss financing with the Tester.

6. The time spent with the Tester was from 12:00 Noon to 4:00 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. The Black Tester requested the price range of \$163,900 - \$173,900 and was shown houses in the price range of \$136,900 - \$172,900.
3. Listed below is analysis of the Census Tracts of houses shown to the Black Tester:

<u>Census</u> <u>Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4622	8 Dove Circle Avon	98.39%	.80%	.82%
4622	10 Keystone Circle Avon	98.39	.80	.82
4661	126 Hopmeadow St. 2C Simsbury	97.77	.94	.83
4661	126 Hopmeadow St. 2E Simsbury	97.77	.94	.83
4661	6 Nutmeg Court Simsbury	97.77	.94	.83
	5 Riverview Circle Simsbury	(Data Not Available)		
4661	38 Simsbury Manor Dr. Simsbury	97.77	.94	.83
4641	19 Bristol Drive Canton	98.76	.30	.60
	<u>Average Percentage</u>	98.08%	.81%	.79%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

Cordula DiAugustino July 11, 1990
Cordula DiAugustino, Testing Coordinator Date

TESTING COORDINATOR'S SUMMARY

TEST NO. 140 TEST SITE: _____

AGENT: _____

FACTS

FIRST TEST - BLACK MALE

1. _____ served as himself as a Tester.
2. On December 4, 1989, the Tester called the office of _____ to see what houses were for sale and spoke to Agent _____.
3. The Agent asked the Tester the following questions during the telephone conversation:

<u>Agent Asked</u>	<u>Tester Response</u>
Marital Status	Married
	Price Range of Housing: \$175,000 and up (Tester Volunteered)
Location of Housing	The house would decide.
Desired House Specifications	Two plus bedrooms, one and half baths and a two car garage
Tester's Occupation and Work Location	Free Lance Architect, Hartford
Do you have to commute?	No.
Are schools important to you?	No, my children are full grown.
Price Range of Housing	\$175,000 - \$300,000

4. The Tester made an appointment for December 12, 1989.
5. The Agent did not mention anything about financing to the Tester.

6. The Tester was shown the houses listed below in West Hartford:

54 Four Mile Road	\$209,000
15 Garfield	\$219,900
23 King Road	\$239,900
133 Brookmoor Road	\$239,900
62 Van Buren Avenue	\$247,000
21 Gloucester Lane	\$259,000

7. The time spent with the Tester was 1:30 PM to 3:30 PM.

FINDINGS

1. Limited Tester resources prevented completion of this Test.
2. Listed below is an analysis of the Census Tracts of houses shown to the Black Tester in West Hartford:

<u>Census Tract No.</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
4976	21 Gloucester Lane	98.17%	.32%	.36%
4965	15 Garfield	99.14	.14	.43
4965	62 Van Buren Avenue	99.14	.14	.43
4965	54 Four Mile Road	99.14	.14	.43
4966	133 Brookmoor Road	99.03	.32	.73
4963	23 King Road	97.69	.48	.87
<u>Average Percentage</u>		98.72%	.26%	.54%

The Census Tract Data indicates that the Black Tester was shown houses in neighborhoods averaging more than ninety-eight percent (98%) White Population.

Cordula DiAugustino July 11, 1990
 Cordula DiAugustino, Testing Coordinator Date