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F. # EASTERN DISTRICT OF NEW YORK

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U. S. DISTRICT COURT E.D. N.Y.



JUN 10 1975



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UNITED STATES OF AMERICA,

Plaintiff,

CONSENT ORDER

- against -

Civil Action
No. 73 C 1529

FRED C. TRUMP, DONALD TRUMP
and TRUMP MANAGEMENT, INC.,

Defendants.

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This action was instituted by the United States of America on October 15, 1973, pursuant to the Fair Housing Act of 1968, 42 U.S.C. §3601 et seq.

The claim of the United States is that the defendants have failed and neglected to exercise their affirmative and nondelegable duty under the Fair Housing Act to assure compliance by their subordinates, with the result that equal housing opportunity has been denied to substantial numbers of persons and that defendant's subordinates have failed to carry out their obligations under the Act.

Defendants vigorously deny said allegations.

Accordingly, without adjudication of the merit and without any admission as to the existence or absence of liability, and in order to resolve this matter without further protracted litigation, the parties hereto are prepared to resolve this case by the entry of a Consent Decree.

It is expressly understood and agreed that the execution of this Agreement by Trump Management, Inc., is in no way an admission by it of a violation of the prohibition against discrimination as set forth in the Fair Housing Act of 1968, or any other applicable statute, rule or regulation.

Irrespective of the merits of the complaint, however, the principal officers of defendant Trump Management, Inc., are prepared to affirmatively assume and carry out the responsibility for assuring that their employees will comply with the Act and will promote equal opportunity. Accordingly, the parties are prepared to resolve this case by the entry of the following Consent Order.

I.

It is hereby ORDERED, ADJUDGED and DECREED that in consideration of their affirmative assumption of responsibility contained in part III herein, the complaint against Fred C. Trump and Donald J. Trump is dismissed against them in their personal capacity, with prejudice, as to all allegations contained therein, and predating this Order.

II.

INJUNCTION

It is hereby ORDERED, ADJUDGED and DECREED that the defendant, its officers, agents, employees, successors, and all persons in active concert or participation with any of them, are hereby permanently enjoined from:

GENERAL INJUNCTIVE PROVISIONS

1. Refusing to sell or rent, refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying any dwelling to any person on account of race, color, religion, sex or national origin.

2. Discriminating 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 or national origin.

3. Making, printing, or publishing, or causing to be made, printed, or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin, or an intention to make such preference, limitation or discrimination.

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

5. Influencing the residential choice of any person on account of race, color, religion, sex or national origin.

6. Coercing, threatening, or interfering with, or attempting to coerce, threaten or interfere with any person in the exercise or enjoyment of the right to equal housing opportunity protected by the Fair Housing Act of 1968, or in the exercise or enjoyment of the right to assist others to secure equal housing opportunity.

7. Engaging in any act or practice which has the purpose or the effect of denying or abridging the right to equal housing opportunity protected by the Fair Housing Act. In this connection, defendants shall not, in determining the income qualification for rental of any person, family, or other group of persons, fail or refuse to fully count a woman's total income, including salary, wages, alimony, support payments or other income from whatever source received.

III

ASSUMPTION OF RESPONSIBILITY BY PRINCIPALS OF TRUMP MANAGEMENT INC., AND TRAINING PROGRAM FOR AGENTS AND EMPLOYEES

Trump Management Inc., controls many thousands of rental units in the New York area and elsewhere, and its activities therefore have a major impact on housing opportunities. The company therefore occupies a position of leadership in the real estate community and can, by its example, influence the activities not only of its own agents and employees but also of many others. The Fair Housing Act prohibits conduct which is discriminatory in its effect, regardless of motivation, and violations of the Act can result from thoughtlessness and lack of information, as well as from deliberate discrimination.

Accordingly, it is ORDERED as follows:

A. The principal officers of Trump Management, Inc., shall forthwith

(1) thoroughly acquaint themselves personally on a detailed basis with all of the obligations of the defendant under the Fair Housing Act of 1968, as amended and as judicially interpreted; under state and municipal civil rights laws; under pertinent Regulations and Guidelines of the Department of Housing and Urban Development and other appropriate agencies; and under this Order;

(2) Take steps to assure that their principal assistants and officers similarly familiarize themselves with their obligations; and

(3) Personally undertake to assure that the training program set forth herein is successfully carried out.

B. Within thirty (30) days of the entry of this Decree, the Defendant by its principal officers, shall conduct and complete an educational program for all employees with rental or employment responsibilities, who have contact with prospective tenants, provide information to the public about rental, or accept or process applications for rentals, or who are engaged in any manner in the employment process, to inform them of the provisions of this Decree, and their duties under the Fair Housing Act of 1968. Such program shall include:

(1) Furnishing to each such agent and employee a letter summarizing the terms of this Decree and of the Fair Housing Act as it applies to the employee.

(2) Informing each such agent and employee, in person or by general meeting, of the provisions of this Decree and of duties of the Company and its agents and employees under the various applicable Fair Housing Acts. Each such agent and employee shall be advised that his failure to comply with the provisions of this Decree shall subject him to dismissal or other disciplinary action, and to sanctions for disobedience of this Order.

(3) Securing a signed statement from each such agent that he has read the letter mentioned above and received the instructions described in the preceding paragraph and forwarding a copy of each such signed statement to plaintiff.

Each new agent and employee shall be instructed in accordance with the procedures set out above and shall be required to sign a statement to the effect that he has been so instructed and will comply with such instructions within ten (10) days following the initial date of employment. Copies of all signed statements will be furnished to plaintiff upon execution.

IV

AFFIRMATIVE PROGRAM

It is further ORDERED that the defendant shall forthwith */ and for a period of two (2) years following the entry of this Order take the following steps to adopt and implement an affirmative program aimed at ensuring compliance with the Fair Housing Act of 1968:

A. Notification to the Community of Defendant's Nondiscriminatory Policy

1. Notify the Open Housing Center of the New York Urban League, 150 Fifth Avenue, New York, New York, in writing, with copies to counsel for plaintiff that apartments owned or managed by the defendant are available to all qualified persons without regard to race, color, religion, sex or national origin, *as hereinafter provided.* Included in such letter shall be a full synopsis of the rental standards and procedures outlined in Part V, below, and a general statement of present and anticipated vacancies in Trump apartment buildings in the New York Metropolitan area. The parties shall agree on the text of an appropriate letter prior to its mailing. Subsequently, defendant shall mail to the Open Housing Center a copy of its weekly Central Listing of vacancies described infra in Part V of this decree. This mailing shall be done on the day the list is made. ~~The Open Housing Center may, at its own discretion, forward copies of the above-mentioned letter and weekly list of vacancies to any and all persons or organizations with an interest in promoting equal housing opportunities.~~

*/ The defendant's obligations to implement each provision of this Order for affirmative action shall begin ten (10) days following the entry of this Order, unless otherwise specified herein.

2. Post and maintain fair housing signs in a form approved by the Secretary of the Department of Housing and Urban Development (HUD) */ in all offices of the defendant where there is rental activity or public contact.

3. Implement an advertising program aimed at informing the nonwhite community of defendant's nondiscriminatory rental policy. The defendant shall

a. Include, in all advertising, ^{for New York City apartment buildings} ~~*/ in news-~~
~~papers,~~ telephone directories, radio, television and other media, and on all billboards, signs, pamphlets, brochures, and other promotional literature the words "Equal Housing Opportunity" and the fair housing logo. These words and the logo shall be prominently placed and easily legible. ~~*/~~ In addition, all advertising placed by the Company or its agents shall conform to the practices recommended in the Department of Housing and Urban Development advertising guidelines, as published in 37 Fed. Reg., pp. 6700-02, on April 1, 1972. A copy of these guidelines is attached as Appendix "B" to this Order.

*/ See the pertinent HUD regulation, 37 F.R. 3429 (a copy attached hereto as Appendix A).

Wm ^{to} ~~*/ This subsection dealing with newspaper advertising shall only apply to newspaper ads of eight (8) lines of print or more. Defendant shall continue its present advertising policies, and shall not change its present practices with respect to the size and type of advertising by shortening or by otherwise changing its policy of placing display ads to avoid the requirement of including the equal opportunity statement.~~

Wm ^{to} ~~*/~~ In radio and television advertising, the words "equal housing opportunities" shall be used and shall be easily audible.

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(b) Insert in a newspaper of general circulation, such as the New York Times, one Sunday in every month, an advertisement at least 3 inches in length advertising available apartments in particular sections of New York City. Apartments advertised pursuant to this section shall be selected on a rotating basis so that each apartment building is so advertised at least once yearly. This ad shall contain at its foot, in prominent capital letters, the words "Equal Housing Opportunity."

8(a)

(c) Allocate a reasonable proportion of its advertising budget to advertising in media directed primarily to the black and Puerto Rican communities. The parties have agreed that the placement of monthly 15 line display advertisements, one in the black and one in the Puerto Rican press, */ together with the allocation of 10% of defendant's radio advertising budget to black-oriented and Spanish language stations, shall meet the requirements of this provision. All advertisements of Trump buildings in minority media shall advertise a full cross-section of Trump buildings with vacancies, and shall not stress or give undue emphasis to buildings with substantial minority occupancy. **/

4. Provide written notification to each firm, association company, corporation, or other person or organization engaged by defendant to act as referral agency, apartment locating service, credit checking company, or management company that apartments owned or managed by the defendant are available to all qualified persons without regard to race, color, religion, sex or national origin. Each such notification shall also advise the recipient of defendant's objective standards and procedures for rental.

*/ The parties agree that the placement of such advertisements in the Amsterdam News and El Diario will satisfy this requirement.

**/ If the listed apartments do not include all Trump buildings with vacancies, the buildings listed shall be rotated with each ad so that the same apartment buildings are not continuously or disproportionately advertised under this subsection.

B. Program of Providing Listings for Minority Apartment Seekers

For two years after the entry of this Order, defendant shall notify the Open Housing Center of the New York Urban League, 150 Fifth Avenue, New York, New York, 10003, of every fifth available apartment in each apartment building owned and/or managed by the defendant which has a black tenancy of less than ten percent,*/ at least three days prior to placing that apartment on the open market.**/ During this three-day period, the Open Housing Center shall have the opportunity to refer qualified applicants to the defendant for the purpose of renting the apartment. All applicants referred by the Open Housing Center shall provide the defendant or its representative with an appropriate identification which will serve to advise the defendants that such applicant has been referred by the Open Housing Center pursuant to this subsection. After three days if no qualified applicant referred by the Center has filed an application seeking to rent the apartment, the apartment may be placed on the open market to be rented in defendant's normal business custom without regard to race, color, religion, sex or national origin.***/

C. Affirmative Employment Program

The defendant shall recruit, hire, assign, promote and transfer employees and agents without regard to race, color,

*/ The requirements of this provision need not be followed for apartment buildings which presently have or in the future reach a black occupancy rate of 10%. For these apartment buildings, apartments shall continue to be rented without regard to race, color, religion, sex or national origin.

**/ The three-day period shall begin when notification has been completed and the Open Housing Center has received, either in person, by telephone, or by mail, the listings. For purposes of this Decree, rental on the open market shall mean rental to any person not referred by the Open Housing Center.

***/ This provision shall not apply to Trump Village.

religion, sex or national origin and will endeavor to place blacks and other nonwhite persons in supervisory and professional positions as vacancies for which they are qualified arise.

Pursuant to this program, the defendant shall take the following steps:

1. Display an equal employment opportunity poster */ in a prominent place clearly visible to prospective agents, employees, and applicants for employment in each office of the defendant where applications for employment are taken.

*/ This poster shall be in the form, size and prominence approved by the United States Department of Labor and the Equal Employment Opportunity Commission.

2. Notify in writing, each labor union representing any part of defendant's work force of the terms of Part IV(C) of this Decree and that prospective employees are to be referred without regard to race, color, religion, sex or national origin.

In recruiting and hiring nonwhite employees, the defendant shall not require that nonwhite persons recruited or hired possess qualifications for any job or position more exacting than those which were in effect with respect to white employees before the institution of this action.

V

IMPLEMENTATION OF OBJECTIVE RENTAL
STANDARDS AND PROCEDURES

In order to assure nondiscriminatory selection and assignment of tenants and to assure equal opportunity in housing at each building owned or managed by Trump Management, Inc., defendant agrees that the following standards and procedures shall be uniformly applied at all of its properties in determining whether or not to rent to an applicant. */

A. Standards

1. Income

One week's gross income from all sources **/ must be at least equal to one month's rent, except in the following circumstances:

(a) The applicant(s) have outstanding automobile payments, or other fixed debt in excess of \$50.00 a month, with a remaining debt period in excess of four (4) months, or

*/ The following standards shall not be applicable to Tysens Park which is subject to other federal regulations imposed by §221(d) of the National Housing Act.

**/ This shall include alimony, child support, public assistance payments, or guarantor's assurances on behalf of public assistance recipients, wife's income, part-time employment, pensions, etc.

(b) The family composition is in excess of three (3) persons.

In either circumstance (a) or (b) above, one week's net income must be at least equal to one month's rent.

If an applicant does not meet the foregoing income standards, he or she may still qualify for rental if:

(a) He or she secures a guarantor who can verify funds sufficient to meet the financial obligations of the guarantors fixed monthly payments for his or her residence, as well as the applicant's rental, based on the defendant's income standards.

(b) If the applicant is willing to post three (3) months security deposit or will supply six (6) months rent in advance.

(c) If a tenant switches from one Trump building to another Trump building and if that tenant has met his obligations to Trump Management, Inc., in the past.

2. Occupancy

Not more than two (2) persons in a one-bedroom apartment. ~~Not more than four (4) persons, two (2) adults and two (2) children of the same sex,*/ in a two-bedroom apartment.~~ For a two-bedroom apartment, defendant shall, in a uniform manner, adhere to its past practices with respect to occupancy.

B. Procedures */

1. Application Procedure

~~*/ Except that children under ten years of age may be of different sexes.~~

*/ These procedures are substantially based on defendant's past practices, as described during discovery.

a. Applications for tenancy will be received at the apartment building or complex where the tenant is applying for an apartment. Applications shall be received by Superintendents or rental agents authorized by the defendant to accept applications, and instructed in the requirements of this Order and of the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq. Applications shall be accepted from all persons wishing to apply and the superintendent or agent shall make no subjective judgment on the acceptability of a prospective tenant, unless said prospective tenant is:

(i) visibly and objectively drunk
and disorderly;

(ii) visibly and objectively under
the influence of drugs;

(iii) abusive towards the superintendent
or rental agent;

or there is,

(iv) a visible and objective indication
that the applicant will not maintain his or
her apartment with sufficient care and
cleanliness so as not to intrude on the
rights of other tenants. In order to satisfy
this criteria, defendant or its agents shall
contact the applicant's former landlord to
ascertain the manner in which he or she had
maintained the rented premises. In no event
shall the subjective impression by a super-
intendent of the manner of dress or style
of grooming disqualify an applicant. This
subsection shall apply solely to cleanliness
criteria.

b. The superintendent or rental agent shall review the application for completeness and shall require a security deposit of one month's rent and a W2 form (or reasonable substitute therefor) from all applicants. The agents shall then submit the deposit, W2 form and application, for review and determination to one of the defendant's two main offices. No superintendent or rental agent shall have the authority to make a determination on the acceptability for tenancy of an applicant except as outlined in B(1)(a) (i-iv) above.

c. Applications shall be reviewed and a determination of acceptability shall be made by the Section Managers employed in the defendant's main offices.

d. If conducted, a uniform credit check and/or employment check shall be conducted with respect to each applicant. The standards of acceptability based on credit and employment shall be uniformly applied without regard to race, color, religion, sex or national origin.

e. Each applicant shall be informed wherever possible within ten (10) business days whether or not he or she has been accepted for tenancy. If an application can not be processed within ten (10) days, defendant shall notify the applicant of the reason therefor, but in no event shall an applicant not be informed of the disposition of his application beyond twenty (20) days from the time he or she applied. If rejected, the applicant shall be informed of the reason for rejection, and of the specific objective standard he or she has failed to meet. */

*/ Applicants who have not been accepted for tenancy pursuant to V(B)(a) above need not be informed of the reasons for the defendant's decision not to accept his or her application. However, defendants shall still note the reason for non-acceptance in its records and its reports to plaintiff pursuant to Sections VI and VII herein.

2. Providing Rental Information to Apartment Seekers

a. Defendant shall maintain at its central offices at 2611 West 2nd Street, Brooklyn, New York and 2064 Cropsey Avenue, Brooklyn, New York, a Central Listing, to be compiled on a weekly basis, of each currently vacant or available apartment in the New York area, and of each apartment expected to be vacant or available in the New York area within the next thirty days. This list shall include the type of apartment, the number of rooms, the monthly rent, and the date of availability and shall be shown to all persons inquiring about available apartments. Defendant shall also maintain at each of its buildings a similar list of the apartments vacant at that building by type of apartment available and a notification that complete lists of all available apartments in the New York area are available for inspection at defendant's main offices located at 2611 W. 2nd Street, Brooklyn, New York and 2064 Cropsey Avenue, Brooklyn, New York.

b. Apartments which are available for rental and listed on the apartment availability list (2(a) above) shall be shown to all interested inquirers by an authorized agent of the defendant.

c. Inquirers shall be uniformly informed of the qualifications for rental, including the income, security deposit and W2 form requirements.

d. No waiting list*/ will be maintained at any of the defendant's offices or apartment buildings nor shall there be any preference for persons referred by present tenants. Rental will be on a first-come, first-served basis when apartments are available for rental.

VI

REPORTING REQUIREMENTS

It is further ORDERED that three (3) months after the entry of this Decree, and thereafter three (3) times per year for two years the defendant shall file with the Court and serve on counsel for the plaintiff a report containing the following information for the following apartment buildings owned and/or managed by the defendant:

1. Argyle Hall
2. Westminster Hall
3. Fontainebleau Apartments
4. Lawrence Gardens and Lawrence Towers
5. Sea Isle Apartments
6. Bachaven Apartments
7. Shorehaven Apartments
8. Belcrest Apartments
9. Highlander Hall
10. Saxony Hall
11. Clyde Hall
12. Edgerton Apartments
13. Winston Hall
14. Sussex Hall

*/ Since this is defendant's present practice and it is non-discriminatory, plaintiff interposes no objection thereto.

Re Trump Village shall be excepted from this provision prohibiting the use of a waiting list.

a. The number of persons, by race*/ (as visually observable) making inquiry in person about the availability of terms of rental of an apartment during the preceding reporting period and the number by race, that:

1. made inquiry;
2. were offered an application;
3. filled out an application;
4. submitted an applicant with deposit;
5. were accepted for occupancy;
6. were rejected;
7. withdrew applications;
8. had applications pending at the end of the reporting period.

This report may be forwarded to plaintiff on a form similar to the sample form attached hereto as Appendix C.

b. A report reflecting the applications for tenancy submitted during the preceding reporting period, including the following information for each person submitting an application:

1. name, address, business and home telephone number, and race;
2. date of application;
3. whether a deposit was received;
4. date notified of acceptance or rejection;
5. weekly income of applicant and monthly rent of apartment sought;

*/ For purposes of this Decree, all notations of race shall be as visually observable.

6. if accepted, apartment chosen;
7. if rejected, reason therefor;
8. name of person or persons who decided to accept or reject the application;
9. if neither accepted nor rejected, status or disposition of application.

This report may be forwarded to plaintiff on a form similar to the sample form attached hereto as Appendix D. For each rejected nonwhite applicant, the report shall include a detailed statement of the reason(s) for rejection and supporting information.

c. A list of vacancies during the preceding quarter, including the date the apartment was placed on the market */ and the date each apartment was rented or otherwise committed for rental.

d. Reports filed pursuant to this Order shall also include the current statistics with respect to the race of tenants in each apartment building owned or managed by the defendant, and an account of the steps taken during the preceding reporting period to implement the program outlined in Sections I and II above, including:

1. Copies of all letters sent to apartment locators and credit checking companies, Fair Housing groups, and labor unions pursuant to Parts III and IV of this Decree.

*/ Including where appropriate, the date the Open Housing Center was contacted concerning the apartment's availability in accordance with Part III above.

2. Representative copies of all newspaper advertisements placed in the Amsterdam News and El Diario pursuant to this Order and the date of each advertisement.

3. The name, race, position and office assignment of each rental agent, superintendent and main office employee employed as of the date of the entry of this Order, an assurance that the educational program required by Part II has been conducted, and copies of all signed statements obtained in accordance with Part II of this Decree. If any rental agent refuses to sign such a statement the defendants shall include a full statement of all pertinent circumstances and of any action taken by them in relation thereto.

VII

RECORD KEEPING PROVISIONS

*for New York City
properties* *AM*
file

IT IS FURTHER ORDERED that the defendant shall, for two years following the entry of this Decree, make and preserve the following records for all apartment buildings owned or managed by them:

1. The name, address, telephone number and date and time of contact of each person inquiring in person about the availability or terms of rental of an apartment therein, */ and the size of apartment sought, if known.

*/ This may be accomplished by maintaining a guest register at each apartment building owned by the defendants.

2. A detailed record of all action taken on each application and the reasons for such action, including all steps taken by the defendant in ascertaining the acceptability for tenancy of the applicant and the name of the employee who took such steps or who approved or rejected the application.

3. All records which are the source of, or contain any of the information pertinent to defendant's obligations under this Order. Representatives of the plaintiff shall be permitted to inspect and copy all pertinent records of the defendant at any and all reasonable times, provided, however, that the plaintiff shall endeavor to minimize any inconvenience to the defendant from the inspection of such records.

VIII

It is further ORDERED that for a period extending two years from the entry of this Decree, the defendant shall, at least twenty (20) days prior to the event, report to counsel for the plaintiff:

1. Any new ownership or management interests in residential property, acquired by the defendant.

2. The divestment through transfer or sale, of any ownership or management interests in residential property.

IX

It is further ORDERED that for a period of two years after the entry of this Decree the defendant shall advise counsel for plaintiff, in writing, of all complaints, */ from

*/ For purposes of this Decree, "complaints" shall mean any information which comes to the attention of the defendant or its officers from whatever source received, which indicates a possible denial of equal housing opportunities under the Fair Housing Act, 42 U.S.C. §3601 et seq., or a potential violation of this Decree.

whatever source, received by the defendant regarding equal opportunity in housing at properties owned and/or managed by Trump Management, Inc. In addition, plaintiff shall, for a period of two years after the entry of this Decree, notify the defendant of all complaints received by the plaintiff.

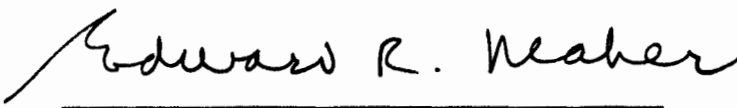
Except where the plaintiff determines that there exists a need for emergency relief threatening the effectiveness of this Decree, the plaintiff shall afford the defendant fifteen (15) days from the date notice of such a complaint is received to investigate the complaint and provide plaintiff with an explanation of the information contained in the complaint. If the complaint is determined to be valid by either party, plaintiff shall recommend what steps it believes to be necessary to correct the conditions leading to the complaint, and shall afford the defendants an additional seven (7) days to effectuate appropriate steps to remedy the conditions leading to the complaint and to overcome any continuing effects of the alleged discriminatory actions before applying to the court for a motion to compel compliance with this Decree, or any other additional judicial relief.

X

Each party shall bear its own costs.

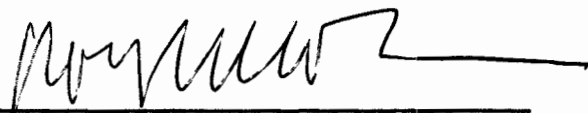
The Court shall retain jurisdiction of this action
for all purposes.

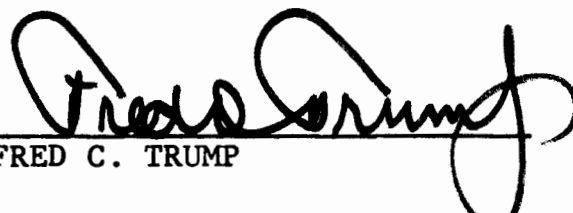
ORDERED this 10th day of June, 1975.

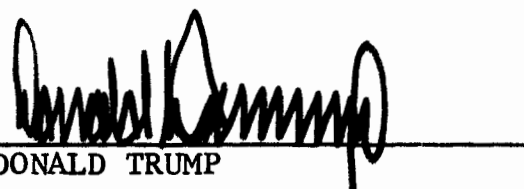

EDWARD R. NEAHER
United States District Judge

The undersigned apply for and
consent to the entry of this
Order:

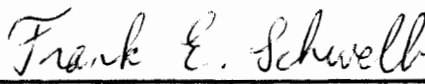
For the Defendants:

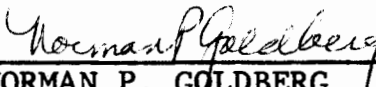

ROY M. COHN
Saxe, Bacon, Bolan & Manley
39 E. 68th Street
New York, New York

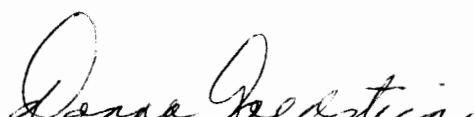

FRED C. TRUMP



DONALD TRUMP

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DAVID G. TRAGER
UNITED STATES ATTORNEY
By: 
HENRY BRACHTL
Assistant U.S. Attorney
Eastern District of New York

37 F.R. 3429
Feb. 16, 1972

Rules and Regulations

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER A—FAIR HOUSING

[Docket No. R-72-165]

PART 110—FAIR HOUSING POSTER

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

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

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

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

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

A comment by the Federal Home Loan Bank Board (FHLBB) recommended exempting from this regulation any person subject to a regulation of the FHLBB requiring that person to post a poster substantially similar in content to the poster described in HUD's regulation. A similar comment was made by the Board of Governors of the Federal Reserve System with respect to entities subject to supervision by any of the four Federal financial regulatory agencies. The Department will authorize a person subject to the jurisdiction of a Federal financial regulatory agency to utilize a poster prescribed in a regulation by such agency, and approved by the Department, instead of the poster prescribed by HUD. However, all of the other requirements of Part 110 will remain fully applicable regardless of whatever sanctions the regulatory agency prescribes for failure to comply with its regulation. This provision is set forth in § 110.25(b). The requirement, set forth in § 110.10(c), that financial institutions post and maintain a fair housing poster will not be effective until May 1, 1972, in order to allow time for the Federal financial regulatory agencies to issue appropriate regulations.

Proposed § 72.30 stated that a failure to display the poster as required would be

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

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

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

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

Subpart A—Purpose and Definitions

- Sec.
- 110.1 Purpose.
- 110.5 Definitions.

Subpart B—Requirements for Display of Posters

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

Subpart C—Enforcement

- 110.30 Effect of failure to display poster.

AUTHORITY: The provisions of this Part 110 are issued under section 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)).

Subpart A—Purpose and Definitions

§ 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968, 42 U.S.C. 3604–3606.

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

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

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

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

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

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

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

Effective date. This statement of policy shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

APPENDIX

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

TABLE I

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

Approximate size of advertisement	Size of Logotype in inches
1/2 page or larger-----	2 x 2.
1/6 page up to 1/2 page-----	1 x 1.
4 column inches to 1/6 page-----	1/2 x 1/2.
Less than 4 column inches-----	(²).

² Do not use.

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

Equal Housing Opportunity logotype.



Equal Housing Opportunity statement:

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

Equal Housing Opportunity slogan:
"Equal Housing Opportunity."

TABLE III.—ILLUSTRATION OF PUBLISHER'S NOTICE

Publisher's notice:

All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, or national

origin, or an intention to make any such preference, limitation, or discrimination."

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

[FR Doc.72-4983 Filed 3-31-72;8:45 am]

APPENDIX B

37 F.R. 6700

4/1/72

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal
Opportunity

[Docket No. R-72-108]

ADVERTISING GUIDELINES FOR FAIR HOUSING

Notice of Statement of Policy

In order to facilitate and promote compliance with the requirements of Title VIII of the Civil Rights Act of 1968, and particularly section 804(c) thereof (42 U.S.C. 3601, 3604(c)) regarding notices, statements or advertisements, the Department of Housing and Urban Development has prepared guidelines to indicate graphic and written references that are appropriate for the preparation, publication, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act.

Notice of a proposed statement of policy was published in the FEDERAL REGISTER on May 21, 1971 (36 F.R. 9266). Comments were received from 26 interested

persons and organizations and consideration has been given to each comment.

Several comments observed that the proposed policy statement was at times unnecessarily limited to the field of newspaper advertising. In response to the comments, the policy statement has been revised in several places to clarify that the guidelines apply to advertisements in all media, including, e.g., television and radio, as well as to advertising agencies and other persons who use advertising.

Several organizations suggested additional catchwords connoting a discriminatory effect for inclusion in section A-3. That section has been expanded to include several additional terms which may have a discriminatory effect when used in a discriminatory context.

In response to other comments, section A-6 has been revised to clarify how directional references could be employed in a discriminatory context with an ethnically, as well as a racially, discriminatory effect. Also, section A-7 has been added relating specifically to designation of religious, ethnic or racial facilities to identify an area or neighborhood.

A number of comments indicated that human models or Equal Opportunity advertisements can and have been used selectively to promote the development of racially exclusive communities. A new section C-4 has been added in order to meet this specific problem. The previous human models section has been clarified by revision and reorganization in the new section C, in light of comments which indicated confusion or uncertainty surrounding the use of human models.

In response to publishers' comments, Table I has been simplified and references to minimum type sizes limited to a recommendation that the type should be bold display face and no smaller than eight points.

A number of organizations suggested the inclusion of a publisher's notice to appear with real estate advertising. A suggested notice has been included as Table III, in lieu of the provision in the proposed guidelines for direct notification to all firms or persons using the advertising services of a publisher. This provision was removed in light of objections that such notification would be unworkable or would impose great hardship since a large volume of real estate advertising is placed by a great number of persons on a nonrecurring basis.

Finally, a number of minor editorial or organizational changes have been made in order to clarify or simplify the advertising guidelines.

Several organizations suggested that the guidelines make specific reference to the roles of other enforcement agencies, including the Department of Justice and local agencies. These comments suggested that the guidelines specify that they do not alter or affect conciliation agreements or court orders obtained by these agencies, as well as by the Department. Such a disclaimer appears to be unnecessary, since there is nothing in the guidelines to indicate an intent to

alter or affect agreements or orders obtained by the Department and other agencies.

This document is issued pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The statement of Policy reads as follows:

PUBLICATION GUIDELINES FOR COMPLIANCE WITH TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

POLICY STATEMENT

Section 804(c) of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful 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 (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 thereof of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation or discrimination.

These advertising guidelines are being issued for the purpose of assisting all advertising media, advertising agencies, and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale or rental of a dwelling by the owner or his agent, in compliance with the requirements of title VIII.

Conformance with these guidelines will be considered in evaluating compliance with title VIII in connection with investigations by the Assistant Secretary of advertising practices and policies under the title.

A. *The use of words, phrases, sentences and visual aids which have a discriminatory effect.* The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory intent. Their use should therefore be avoided in order to eliminate their discriminatory effect. In considering a complaint under title VIII, the Assistant Secretary will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate possible violation of the title and to establish a need for seeking resolution of the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the Title is likely to result.

1. *Words descriptive of dwelling, landlord, and tenant.* White private home, Colored home, Jewish home.

2. *Words indicative of race, color, religion, or national origin.* Negro, Hispano, Mexican, Indian, Oriental, Black, White, WASP, Hebrew, Irish, Italian, European, etc.

3. *Catch words.* Restricted, ghetto, disadvantaged. Also, words such as private, integrated, traditional, "board approval" or "membership approved" if used in a discriminatory context.

4. *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, or national origin.

5. *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, or national origin.

6. *Directions to the real estate for sale or rent (use of maps or written instructions).* References to real estate location made in terms of racially or ethnically significant landmarks such as an existing Black de-

velopment (signal to Blacks) or an existing development known for its exclusion of minorities (signal to Whites). Specific directions given from a racially or ethnically significant area.

7. *Area (location) description.* Use of religious, ethnic, or racial facilities to describe an area, neighborhood, or location.

B. *Selective use of advertising media or content with discriminatory effect.* The selective use of advertising in various media and with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of title VIII.

1. *Selective geographic impact.* Such selective use may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or in the mail, or advertising in particular geographic coverage editions of major metropolitan newspapers, or in local newspapers which are mainly advertising vehicles for reaching a particular segment of the community, or in displays or announcements only in selected sales offices.

2. *Selective use of equal opportunity slogan or logo.* Such selective use may involve using the equal opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

3. *Selective use of human models.* Such selective advertising may also involve the use of human models primarily in media that cater to one racial or ethnic segment of the population that is not balanced by a com-

§ 110.5 Definitions.

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

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

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

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

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

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

Subpart E—Requirements for Display of Posters

§ 110.10 Persons subject.

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

(1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

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

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

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

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

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

(i) On vacant land, or

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

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

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

(c) All persons subject to section 805 of the Act, Discrimination in the Financing of Housing, shall post and maintain a fair housing poster at all their places of business which participate in the financing of housing.

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

§ 110.15 Location of posters.

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or financial assistance or brokerage services in connection therewith as contemplated by sections 804-806 of the Act.

§ 110.20 Availability of posters.

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

§ 110.25 Description of posters.

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



**EQUAL HOUSING
OPPORTUNITY**

We Do Business in Accordance With the
Federal Fair Housing Law

(Title VIII of the Civil Rights Act of 1968)

IT IS ILLEGAL

TO DISCRIMINATE AGAINST

ANY PERSON BECAUSE OF RACE,

COLOR, RELIGION, OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.

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

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

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

or
HUD Region or

[Area Office stamp]

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

Subpart C—Enforcement

§ 110.30 Effect of failure to display poster.

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

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

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

[FR Doc.72-2262 Filed 2-15-72;8:45 am]

APPENDIX C

TRUMP MANAGEMENT, INC.

DATE: _____

RE: Rental Analysis Report

THE BREAKDOWN OF PERSONS BY RACE MAKING INQUIRY IN PERSON
ABOUT THE TERMS AND AVAILABILITY OF APARTMENTS

FOR THE PERIOD OF _____ TO _____

AT _____ APARTMENTS

	WHITE	BLACK	SPANISH	OTHER	TOTAL
MADE INQUIRY					
WERE OFFERED AN APPLICATION					
FILLED OUT AN APPLICATION					
SUBMITTED DEPOSIT WITH APPLICATION					
APPLICATIONS WITHDRAWN BEFORE PROCESSING					
APPLICATION ACCEPTED					
APPLICATIONS WITHDRAWN AFTER PROCESSING					
APPLICATIONS REJECTED					
APPLICATIONS PENDING END OF PERIOD					

APPENDIX D

APPLICATIONS FOR TENANCY AT APARTMENTS

NAME* ADDRESS, RACE	HOME & BUSINESS PHONES	DATE OF INQUIRY	DATE OF APPLICA- TION	APPLI- CANT'S WEEKLY INCOME	SIZE, TYPE OF APT. DESIRED (Brs., Fur- nished)	MONTHLY RENTAL RATE	DESIRED DATE OF OCCUPANCY	DEPOSIT REC'D AND DATE	IF REJECTED, REASON AND DATE NOTIFIED	IF ACCEPTED, DATE NOTIFIED	NAME OF EMPLOYEE ACTING ON APPLICATION

If two or more single persons are applying for one apartment, please so indicate.