

Code of Federal Regulations

Title 24 - Housing and Urban Development Volume: 1 Date: 2017-04-01

Original Date: 2017-04-01

Title: Section Â§ 100.7 - Liability for discriminatory housing practices.

Context: Title 24 - Housing and Urban Development. Subtitle B - Regulations Relating to Housing and Urban Development. CHAPTER I - OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A - FAIR HOUSING. PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT. Subpart A - General.

§ 100.7

Liability for discriminatory housing practices.

(a) Direct liability. (1) A person is directly liable for:

(i) The person's own conduct that results in a discriminatory housing practice.

(ii) Failing to take prompt action to correct and end a discriminatory housing practice by that person's employee or agent, where the person knew or should have known of the discriminatory conduct.

(iii) Failing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it. The power to take prompt action to correct and end a discriminatory housing practice by a third-party depends upon the extent of the person's control or any other legal responsibility the person may have with respect to the conduct of such third-party.

(2) For purposes of determining liability under paragraphs (a)(1)(ii) and (iii) of this section, prompt action to correct and end the discriminatory housing practice may not include any action that penalizes or harms the aggrieved person, such as eviction of the aggrieved person.

(b) Vicarious liability. A person is vicariously liable for a discriminatory housing practice by the person's agent or employee, regardless of whether the person knew or should have known of the conduct that resulted in a discriminatory housing practice, consistent with agency law.

[81 FR 63074, Sept. 14, 2016]

SOURCE: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title24-vol1/xml/CFR-2017-title24-vol1-sec100-7.xml>

###