

Arkansas Fair Housing Act **§§16-123-201 et seq.**

- 16-123-201 Short Title
- 16-123-202 Definitions
- 16-123-203 Legislative declaration
- 16-123-204 Conduct prohibited in real estate transactions – exception
- 16-123-205 Conduct in real estate financing prohibited – exception
- 16-123-206 Contractual provisions
- 16-123-207 Representations prohibited
- 16-123-208 Retaliation
- 16-123-209 Violation
- 16-123-210 Civil remedy
- 16-123-301 Finding
- 16-123-302 Definitions
- 16-123-303 Creations—Members
- 16-123-304 Powers and duties
- 16-123-305 Director
- 16-123-306 Exemptions—certain sales and rentals
- 16-123-307 Exemptions—religious organizations, private clubs and others
- 16-123-308 Exemptions—appraisals
- 16-123-309 Effect on other law
- 16-123-310 Discrimination in sale or rental of housing
- 16-123-311 Publications indicating discrimination
- 16-123-312 Availability for inspection
- 16-123-313 Entry into neighborhood
- 16-123-314 Disability
- 16-123-315 Residential real estate related transaction
- 16-123-316 Brokerage services
- 16-123-317 Complaint
- 16-123-318 Answer
- 16-123-319 Investigation
- 16-123-320 Additional or substitute respondent
- 16-123-321 Conciliation
- 16-123-322 Temporary or preliminary relief
- 16-123-323 Investigative report
- 16-123-324 Reasonable cause determination
- 16-123-325 Charge
- 16-123-326 Land use law
- 16-123-327 Dismissal
- 16-123-328 Pending civil trial
- 16-123-329 Election of judicial determination

16-123-330 Attorney General—Action for enforcement
16-123-331 Administrative hearing
16-123-332 Administrative penalties
16-123-333 Effect of a commission order
16-123-334 Licensed or regulated business
16-123-335 Cooperation with state and federal agencies
16-123-336 Civil action
16-123-337 Court-appointed attorney
16-123-338 Relief
16-123-339 Effect if relief is granted
16-123-340 Invention by Attorney General
16-123-341 Pattern and practice cases
16-123-342 Subpoena Enforcement
16-123-343 Prevailing party
16-123-344 Intimidation or interference
16-123-345 Incentives for self-testing and self-correction
16-123-346 Fair housing education program
16-123-347 Arkansas Fair Housing Commission Trust Fund
16-123-348 Violations—bodily injury—penalties

16-123-201. Short title.

This subchapter shall be known and may be cited as the "Arkansas Fair Housing Act".

HISTORY: Acts 1995, No. 1129, § 1; 1995, No. 1327, § 1.

16-123-202. Definitions.

As used in this subchapter:

(1) "Housing accommodation" includes improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one (1) or more persons;

(2) "Real estate broker or salesman" means a person, whether licensed or not, who:

(A) For or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property;

(B) Negotiates or attempts to negotiate any of those activities;

(C) Holds himself out as engaged in those activities;

(D) Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property;

(E) Is engaged in the business of listing real property in a publication; or

(F) Is a person employed by or acting on behalf of a real estate broker or salesman;

(3) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest therein; and

(4) "Real property" includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

16-123-203. Legislative declaration.

(a) The opportunity to obtain housing and other real estate without discrimination because of religion, race, color, national origin, sex, disability, or familial status as prohibited by this chapter, is recognized and declared to be a civil right.

(b) Provided, the provisions of § 16-123-301 et seq. shall become effective after the statutes and regulations required by this subchapter are adopted as substantially equivalent to federal fair housing laws, as recognized by the appropriate federal agency designated to enforce the provisions of federal fair housing laws.

16-123-204. Conduct prohibited in real estate transactions -- Exception.

(a) A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of religion, race, color, national origin, sex, disability, or familial status of a person or a person residing with that person:

(1) Refuse to engage in a real estate transaction with a person;

(2) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) Refuse to receive from a person or transmit to a person a bona fide offer to engage in a

real estate transaction;

(4) Refuse to negotiate for a real estate transaction with a person;

(5) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or knowingly fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property;

(6) 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; or

(7) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(b) This section shall not apply to:

(1) The rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or a member of the owner's immediate family resides in one (1) of the housing accommodations, or to the rental of a room or rooms in a single family dwelling by a person if the lessor or a member of the lessor's immediate family resides therein; or

(2) The rental of a housing accommodation for not more than twelve (12) months by the owner or lessor where it was occupied by him and maintained as his home for at least three (3) months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

16-123-205. Conduct in real estate financing prohibited -- Exception.

(a) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:

(1) Discriminate against the applicant because of the religion, race, color, national origin, sex, disability, or familial status of the applicant or a person residing with the applicant; or

(2) Use a form of application for financial assistance or financing to make or keep a record or inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, sex, disability, or familial status of the applicant or a person residing with the applicant.

(b) Subdivision (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 U.S.C. §§ 1701-1750g (Supp. 1973), or by a regulatory board or officer acting under the statutory authority of this state or the United States.

16-123-206. Contractual provisions.

(a) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, sex, disability, or familial status is void, except this section shall not prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted because of race, color, sex, disability, familial status, or national origin.

(b) A person shall not insert in a written instrument relating to real property a provision that is void under this section or honor such a provision in the chain of title.

(c) A person shall not threaten, intimidate, or interfere with persons in the enjoyment of their dwelling because of the race, color, national origin, sex, or familial status of such persons, or of visitors or associates of such persons.

(d) A person shall not discharge, threaten, coerce, intimidate, or take any other adverse action against an employee, broker, agent, or other person because he or she refused to take part in a discriminatory housing practice or because he or she has aided or encouraged any other person in the exercise or enjoyment of any right granted under the provisions of this subchapter.

16-123-207. Representations prohibited.

A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the

composition, with respect to religion, race, color, national origin, sex, disability, or familial status of the owners or occupants, in the block, neighborhood, or area in which the real property is located or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

16-123-208. Retaliation.

Two (2) or more persons shall not conspire to, or a person shall not:

(1) Retaliate or discriminate against a person because the person has opposed a violation of this subchapter, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this subchapter;

(2) Attempt, directly or indirectly, to commit an act prohibited by this subchapter;

(3) Willfully interfere, obstruct, or prevent a person from complying with this subchapter or an order issued or rule promulgated under this subchapter; or

(4) Discharge, threaten, coerce, intimidate, or take any other adverse action against an employee, broker, agent, or other person because he or she refused to take part in a discriminatory housing practice or because he or she has aided or encouraged any other person in the exercise or enjoyment of any right granted under the provisions of this subchapter.

16-123-209. Violation.

A person shall not violate the terms of an order to an adjustment order made under this subchapter.

16-123-210. Civil remedy.

(a) (1) A person alleging a violation of this subchapter may bring a civil action for appropriate injunctive relief or damages, or both.

(2) As used in subdivision (a)(1) of this section, "damages" means damages for injury or loss caused by each violation of this subchapter, including reasonable attorney's fees.

(b) An action commenced pursuant to subsection (a) of this section may be brought in the circuit court for:

(1) The county where the alleged violation occurred; or

(2) The county where the person against whom the civil complaint is filed resides or has his principal place of business.

(c) In a civil action under this subchapter, the court in its discretion may allow the prevailing party reasonable attorney's fees and costs.

(d) A court rendering a judgment in an action brought pursuant to this subchapter may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

16-123-301. Finding.

The General Assembly recognizes:

(1) That the right to seek housing underlies the general public's ability to secure health, safety, and welfare; and

(2) Seeks with this subchapter to protect the public's access to fair housing.

16-123-302. Definitions.

(1) "Aggrieved person" means a person who:

(A) Claims to have been injured by a discriminatory housing practice; or

(B) Believes that a person will be injured by a discriminatory housing practice that is about to occur;

(2) "Complainant" means a person, including the director acting on behalf of the Arkansas Fair Housing Commission, § 16-123-303, who files a complaint under this subchapter;

(3) "Commission" means the Arkansas Fair Housing Commission, § 16-123-303;

(4) "Conciliation" means the process for resolving issues raised by a complaint or by the investigation of a complaint through informal negotiations involving the aggrieved person, the respondent, and the director on behalf of the commission;

(5) "Conciliation agreement" means a written agreement setting forth the resolution of the issues raised in conciliation;

(6) "Director" means the Director of the Arkansas Fair Housing Commission created in § 16-123-303;

(7) (A) "Disability" throughout this subchapter shall be interpreted identically to the term "handicap" within federal laws, regulations, cases, directives, and administrative rulings and positions on subject matter similar to the purposes of this subchapter and means a person:

(i) With a physical or mental impairment which substantially limits one (1) or more of the person's major life activities;

(ii) With a record of having an impairment which substantially limits one (1) or more of the person's major life activities; or

(iii) Regarded as having an impairment which substantially limits one (1) or more of a person's major life activities.

(B) "Disability" does not include current, illegal use of or addiction to a controlled substance, as defined in the Section 102 of the Controlled Substances Act, 21 U.S.C. § 802, as in effect January 1, 2001;

(8) "Discriminatory housing practice" means an act that is prohibited under §§ 16-23-310 -- 16-123-316 and § 16-23-344;

(9) "Dwelling" means any building, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families;

(10) "Family" includes a single individual;

(11) "Familial status" means:

(A) The status resulting from one (1) or more individuals who are under eighteen (18) years of

age being domiciled with:

(i) The parent or another person having legal custody of the individual under the age of eighteen (18) years; or

(ii) The designee of the parent or other person having custody, with the written permission of the parent or other person; or

(B) The status resulting from being in the process of securing legal custody of any individual who is under the age of eighteen (18) years; or

(C) The status resulting from being pregnant;

(12) "Person" includes individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, bankruptcy trustees, receivers, and fiduciaries;

(13) "Prevailing party" has the same meaning as the term has in Section 722 of the Revised Statutes of the United States, 42 U.S.C. § 1988;

(14) "Respondent" means:

(A) The person or other entity accused in a complaint or an unfair housing practice; and

(B) Any other person notified as required with respect to respondents under § 16-123-317(f); and

(15) "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.

16-123-303. Creation -- Members.

(a) There is created the Arkansas Fair Housing Commission.

(b) (1) The commission shall consist of thirteen (13) voting members, to be selected as follows: Seven (7) appointed by the Governor, three (3) appointed by the Speaker of the House of Representatives and three (3) appointed by the President Pro Tempore of the Senate, as set forth in this subchapter, for terms of four (4) years whose terms begin on January 1 and end on December 31 of the fourth year or when their respective successors are appointed and

qualified.

(2) (A) (i) One (1) member shall have been a licensed real estate broker or licensed real estate salesperson engaged in the practice of residential real estate sales for not fewer than five (5) years prior to his or her nomination.

(ii) One (1) member shall have been a licensed real estate broker or licensed real estate salesperson engaged in the practice of multifamily real estate property management for no fewer than five (5) years prior to his or her nomination.

(iii) One (1) member shall have been a licensed real estate broker or licensed real estate salesperson engaged in the practice of real estate for no fewer than five (5) years prior to his or her nomination.

(B) The Governor shall appoint members to fill vacancies for the two (2) members to represent subdivisions (b)(2)(A)(i) and (ii) of this section from a list of four (4) nominees submitted by the Arkansas Realtors Association and a member to fill a vacancy for the one (1) member to represent subdivision (b)(2)(A)(iii) of this section not involving nominees from the Arkansas Realtors Association.

(3) (A) One (1) member shall have been a licensed homebuilder engaged in the homebuilding business for not fewer than five (5) years.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(3)(A) of this section from a list of four (4) nominees submitted by the Arkansas Homebuilders Association.

(4) (A) One (1) member shall have been a mortgage broker employed for not fewer than five (5) years by a registered mortgage loan company or loan broker.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(4)(A) of this section from a list of four (4) nominees submitted by the Arkansas Mortgage Bankers Association.

(5) (A) One (1) member shall have been a banker engaged in the banking business for not fewer than five (5) years.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent

subdivision (b)(5)(A) of this section from a list of four (4) nominees jointly submitted by the Arkansas Community Bankers and the Arkansas Bankers Association.

(6) (A) (i) Seven (7) members shall represent consumers and shall not be actively engaged in or retired from the business of real estate, homebuilding, mortgage lending or banking, including one (1) member who shall be appointed by the Governor to represent persons meeting the definition of "disabled" in this subchapter from a list of four (4) nominees submitted by the Governor's Commission on People with Disabilities.

(ii) Three (3) of the members to be appointed pursuant to subdivision (b)(6)(A)(i) of this section shall be appointed by the Speaker of the House of Representatives, one (1) member who shall be a fair housing attorney or advocate with at least five (5) years of experience in advocacy for fair housing issues.

(iii) Three (3) of the members to be appointed pursuant to subdivision (b)(6)(A)(i) of this section shall be appointed by the President Pro Tempore of the Senate, one (1) member of whom shall be sixty (60) years of age or older who shall represent the elderly.

(B) A minimum of four (4) appointments made pursuant to subdivision (b)(6)(A)(i) of this section shall be given to persons protected under §§ 16-123-310 -- 16-123-316.

(c) All members shall be full voting members of the commission.

(d) (1) Members of the commission appointed by the Governor shall at all times include one (1) member from each Arkansas congressional district.

(2) Members appointed by the President Pro Tempore of the Senate shall be chosen from Arkansas congressional districts rotating in order, with the initial commissioners being chosen from districts one (1) and two (2).

(3) Members appointed by the Speaker of the House of Representatives shall be chosen from congressional districts rotating in order with the initial members being chosen from districts three (3) and four (4).

(e) The commission shall elect a chair from its membership.

(f) The commission shall meet at least quarterly.

(g) (1) The members of the commission shall serve four-year terms, except that the initial appointees shall serve staggered terms determined by a procedure established by the commission so that six (6) serve a two-year term and seven (7) serve a four-year term.

(2) No member may serve more than two (2) four-year terms.

(h) Each commissioner may receive expense reimbursement and stipends in accordance with § 25-16-905.

16-123-304. Powers and duties.

(a) The Arkansas Fair Housing Commission shall adopt rules necessary to implement this subchapter substantially equivalent to those provided in federal fair housing laws and regulations.

(b) The commission shall receive, initiate, investigate, seek to conciliate, and, if conciliation fails, seek to resolve complaints alleging violations of this subchapter through the procedures described by this subchapter.

(c) The commission, at least annually, shall make a written report to the Legislative Council based upon and detailing the past year's activities and operations, including policy and program recommendations.

(d) The commission shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

(e) The commission shall have the power to issue subpoenas and subpoenas duces tecum in connection with both its investigations and hearings.

(f) A witness summoned by a subpoena under this subchapter shall be entitled to a witness fee payable in the same amount as set forth in rules of procedure for civil proceedings.

16-123-305. Director.

(a) The Arkansas Fair Housing Commission may employ a Director of the Arkansas Fair Housing Commission and fix compensation, duties, authority, and responsibilities.

(b) The commission may authorize the director to hire necessary staff and to provide for services, furnishings, equipment, and office space.

16-123-306. Exemptions -- Certain sales and rentals.

(a) Sections 16-123-310 and 16-123-312 -- 16-123-314 do not apply to a single-family house sold or rented by an owner or rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one (1) of the living quarters as his or her residence and if:

(1) The private individual owner does not own more than three (3) single-family houses at any one (1) time;

(2) In the case of the sale of a single-family house by a private individual owner not residing in the house at the time of the sale, or who was not the most recent resident of the house prior to the sale, the exemption granted by this section shall apply only with respect to one (1) sale within any twenty-four-month period;

(3) A bona fide private individual owner does not own any interest in, nor is there owned or reserved on the owner's 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 (3) single-family houses at any one (1) time; and

(4) (A) The house is sold or rented:

(i) Without the services of any real estate broker, agent, or salesman; and

(ii) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of § 16-123-311.

(B) However, nothing in this subdivision (a)(4) shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer the title.

(b) For the purposes of subsection (a) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) The person, within the preceding twelve (12) months, has participated as principal in three

(3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) The person, within the preceding twelve (12) months, has participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) The person is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

16-123-307. Exemptions -- Religious organizations, private clubs, and others.

(a) This subchapter does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from:

(1) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin; or

(2) Giving preference for those dwellings to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

(b) This subchapter does not prohibit a private club not in fact open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

(c) (1) Nothing in this subchapter limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling.

(2) Nothing in this subchapter shall prohibit a person from refusing to rent a dwelling by reason of reasonable occupancy standards established by the owner or the owner's agent that apply to persons of all ages, and that have been adopted and published before the event in issue.

(3) An occupancy limitation of two (2) persons per bedroom residing in a dwelling unit shall be presumed reasonable in this state or any political subdivision of this state.

(4) Nothing in this subchapter regarding familial status shall apply to housing for older persons.

(d) (1) As used in this section, "housing for older persons" means housing:

(A) Provided under any state program that the Director of the Arkansas Fair Housing Commission determines is specifically designed and operated to assist elderly persons, as defined in any state program, or provided under any 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 any federal program;

(B) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

(C) Intended and operated for occupancy by persons fifty-five (55) years of age or older, and:

(i) At least eighty percent (80%) of the occupied units are occupied by at least one (1) person who is fifty-five (55) years of age or older;

(ii) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (d)(1); and

(iii) The housing facility or community complies with rules issued by the director for verification of occupancy, which shall:

(a) Provide for verification by reliable surveys and affidavits; and

(b) Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of this subdivision (d)(1)(C)(iii).

(2) The surveys and affidavits authorized under subdivision (d)(1)(C)(iii) of this section shall be admissible in administrative and judicial proceedings for the purposes of verification.

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

(A) Persons residing in the housing as of August 13, 2001, who do not meet the age requirements of subdivisions (d)(1)(B) or (C) of this section, if:

(i) New occupants of the housing meet the age requirements of subdivisions (d)(1)(B) or (C) of this section; or

(ii) The units are unoccupied units and are reserved for occupancy by persons who meet the age requirements of subdivisions (d)(1)(B) or (C) of this section.

(4) (A) A person shall not be held personally liable for monetary damages for a violation of this subchapter if the person reasonably relied in good faith on the application of the exemption under this section relating to housing for older persons.

(B) For the purposes of this subchapter, "good faith reliance" means:

(i) The person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) The facility or community has stated formally in writing that the facility or community complies with the requirements for the exemption.

(e) Nothing in this subchapter prohibits discrimination against a person because the 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 Substance Act, 21 U.S.C. § 802.

16-123-308. Exemption -- Appraisals.

Nothing in this subchapter prohibits a person engaged in the business of furnishing evaluations, market analyses, or appraisals of real property to take into consideration factors other than race, color, religion, sex, disability, familial status, or national origin.

16-123-309. Effect on other law.

This subchapter does not affect a requirement of nondiscrimination in any other act, state law, or federal law.

16-123-310. Discrimination in sale or rental of housing.

(a) Because of race, color, religion, sex, familial status, or national origin a person shall not:

(1) Refuse to sell or rent a dwelling to a person who has made a bona fide offer;

(2) Refuse to negotiate for the sale or rental of a dwelling; or

(3) Otherwise make unavailable or deny a dwelling to any person.

(b) A person shall not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental because of race, color, religion, sex, familial status, or national origin.

16-123-311. Publication indicating discrimination.

A person shall not 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, disability, familial status, or national origin, or an intention to make such a preference, limitation, or discrimination.

16-123-312. Availability for inspection.

A person shall not represent to any person because of race, color, religion, sex, disability, familial status, or national origin that a dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.

16-123-313. Entry into neighborhood.

A person shall not for profit induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status, or national origin.

16-123-314. Disability.

(a) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of:

(1) That buyer or renter;

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

(3) A person associated with that buyer or renter.

(b) A person shall not 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 the dwelling because of a disability of:

(1) That person;

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

(3) A person associated with that person.

(c) For purposes of this section only, "discrimination" includes:

(1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by the person with the disability if the modifications may be necessary to afford the person with the disability full enjoyment of the premises, except that an owner may:

(A) Where reasonable to do so, reasonably condition permission for modifications upon the agreement of the person with the disability to restore the premises to its condition as it existed prior to modification, reasonable wear and tear excepted; and

(B) Reasonably condition the permission on the person with a disability's providing to the owner a reasonable description of the proposed modifications and reasonable assurance that all work will be done in a professional manner, all required permits for the work timely obtained, and all work timely paid for;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, including public and common use areas; and

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after February 1, 2004, a failure to design and construct those dwellings in a manner that:

(A) Makes the public use and common use portions of the dwellings readily accessible to and usable by persons with a disability;

(B) Makes all the doors designed to allow passage into and within all premises within the dwellings sufficiently wide to allow passage by persons in wheelchairs; and

(C) Makes all premises within the 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 installations of grab bars; and

(iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) Compliance with the appropriate requirements of the American National Standard Institute, as in effect January 1, 2001, for buildings and facilities providing accessibility and usability for persons with a physical disability, commonly cited as ANSI A 117.1 suffices to satisfy the requirements of subdivision (c)(3) of this section.

(e) As used in subdivision (c)(3) of this section, the term "covered multifamily dwellings" means:

(1) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units.

(f) Nothing in this subchapter 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.

16-123-315. Residential real estate related transaction.

(a) A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a real estate related transaction available, or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, or national origin.

(b) In this section, "residential real estate related transaction" means making or purchasing loans or providing other financial assistance:

(1) To purchase, construct, improve, repair, or maintain a dwelling; or

(2) Secured by residential real estate; or

(3) Selling, brokering, or appraising residential real property.

16-123-316. Brokerage services.

A person shall not deny persons access to or membership or participation in a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, disability, familial status, or national origin.

16-123-317. Complaint.

(a) The Director of the Arkansas Fair Housing Commission shall investigate any discriminatory housing practices alleged in a complaint filed under this section.

(b) A complaint shall be:

(1) In writing and under oath; and

(2) In the form specified and standardized by this subchapter and the regulations promulgated by the Arkansas Fair Housing Commission which shall not require that the complaint be notarized.

(c) An aggrieved person shall not file, later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, a complaint with the commission alleging the discriminatory housing practice.

(d) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, the commission may file its own complaint.

(e) A complaint may be reasonably and fairly amended at any time.

(f) On the filing of a complaint the director shall:

(1) Give the aggrieved person notice that the complaint has been received;

(2) Advise the aggrieved person of the time limits and choice of forums under this subchapter; and

(3) Not later than the tenth day after the filing of the complaint or after the identification of an additional respondent under § 16-123-320, provide each respondent:

(A) Notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this subchapter; and

(B) A copy of the original complaint.

16-123-318. Answer.

(a) Not later than the tenth day after receipt of the notice and a copy of the complaint as required by § 16-123-317(f)(3), a respondent may file an answer to the complaint.

(b) An answer must be:

(1) In writing;

(2) Under oath; and

(3) In the form specified and standardized by this subchapter and the regulations promulgated by the Arkansas Fair Housing Commission, which shall not require that the answer be notarized.

(c) An answer may be reasonably and fairly amended at any time.

16-123-319. Investigation.

(a) The Director of the Arkansas Fair Housing Commission shall investigate all complaints, and except as provided by subsection (b) of this section, shall commence an investigation within thirty (30) days of receiving the complaint and shall complete the investigation no later than the one hundredth day after the complaint is filed, and shall dispose of all administrative

proceedings related to the investigation not later than the first anniversary after the complaint is filed.

(b) If the director is unable to complete an investigation within the time periods prescribed by subsection (a) of this section, the director shall notify the complainant and the respondent in writing of the reasons for the delay.

(c) If the director is unable to begin an investigation within the time periods prescribed in subsection (a) of this section, the director shall notify the complainant and the respondent in writing of the reasons for the delay.

(d) If the director is unable to dispose of all administrative proceedings related to the investigation of a complaint within one (1) year after the complaint is filed, the director shall notify the complainant and the respondent in writing of the reasons for the delay.

16-123-320. Additional or substitute respondent.

(a) The Director of the Arkansas Fair Housing Commission may join a person not named in the complaint as an additional or substitute respondent if, in the course of the investigation, the director determines that the person may have committed a discriminatory housing practice.

(b) In addition to the information required in the notice under § 16-123-317(f)(3), the director shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.

16-123-321. Conciliation.

(a) The Director of the Arkansas Fair Housing Commission, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the director or the commission, to the extent feasible, shall engage in conciliation with respect to the complaint.

(b) A conciliation agreement reached through conciliation is a written agreement between a respondent, the complainant, and the commission requiring approval from all three (3).

(c) (1) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint.

(2) A conciliation agreement may authorize appropriate relief, including monetary relief.

(d) A conciliation agreement shall be made public, unless the complainant and respondent agree otherwise and the director determines that disclosure is not necessary to further the purposes of this subchapter.

(e) If the director has reasonable cause to believe that a respondent has breached a conciliation agreement, the director may authorize and the Attorney General may file a civil action for the enforcement of the conciliation agreement as provided by § 16-123-330 or the Attorney General may authorize the director to hire outside counsel to seek enforcement.

(f) No statements or actions made within the course of conciliation may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the persons concerned.

(g) After completion of the director's investigation, the director shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final report related to that investigation.

16-123-322. Temporary or preliminary relief.

(a) If the Director of the Arkansas Fair Housing Commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, and after consultation with the office of the Attorney General, the director may authorize the filing by the Attorney General and the Attorney General may file a civil action in a court of competent jurisdiction in the county where the respondent resides for appropriate temporary or preliminary relief pending final disposition of the complaint or the Attorney General may authorize the director to hire outside counsel to seek the relief.

(b) The filing of a civil action under this section does not affect the initiation or continuation of an administrative proceeding entitled "administrative hearing" under § 16-123-331.

16-123-323. Investigative report.

(a) The Director of the Arkansas Fair Housing Commission shall prepare a final investigative report showing:

(1) The names and dates of contacts with witnesses;

(2) A summary of correspondence and other contacts with the aggrieved person and the

respondent showing the dates of the correspondence and contacts;

(3) A summary description of other pertinent records;

(4) A summary of witness statements; and

(5) Answers to interrogatories.

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

16-123-324. Reasonable cause determination.

(a) The Director of the Arkansas Fair Housing Commission shall determine, based on the facts and after consultation with the office of the Attorney General, whether reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur.

(b) The director shall make the determination under subsection (a) of this section not later than the one hundredth day a complaint is filed unless:

(1) It is impracticable to make the determination; or

(2) The director has approved a conciliation agreement relating to the complaint.

(c) If it is impracticable to make the determination within the time period provided by subsection (b) of this section, the director shall notify the complainant and respondent in writing of the reasons for the delay.

(d) If the director determines that reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the director shall immediately issue a charge on behalf of the aggrieved person, except as provided by § 16-123-326.

16-123-325. Charge.

(a) A charge issued under § 16-123-324 shall:

(1) Consist of a short and plain statement of the facts on which the Director of the Arkansas Fair Housing Commission has found reasonable cause to believe that a discriminatory housing practice occurred or is about to occur;

(2) Be based on the investigation; and

(3) Not necessarily be limited to the facts or grounds alleged in the complaint.

(b) The director shall immediately send a copy of the charge with information concerning the process of election of judicial determination, as under § 16-123-329, to:

(1) Each respondent, together with a notice of the opportunity for a hearing provided by § 16-123-331; and

(2) Each aggrieved person on whose behalf the complaint was filed.

16-123-326. Land use law.

If the Director of the Arkansas Fair Housing Commission determines the matter involves the legality of a state or local zoning ordinance or other land use law or ordinance, the director shall not issue a charge, but shall immediately refer the matter to the Attorney General for appropriate action.

16-123-327. Dismissal.

(a) If the Director of the Arkansas Fair Housing Commission determines that no reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the director shall promptly dismiss the complaint.

(b) The director shall disclose each dismissal under this section both to the public and to all affected parties.

16-123-328. Pending civil trial.

The Director of the Arkansas Fair Housing Commission shall not issue a charge under this section regarding an alleged discriminatory housing practice after the commencement of a civil action commenced under federal or state law or this subchapter seeking determination with respect to an alleged discriminatory housing practice.

16-123-329. Election of judicial determination.

(a) After a charge has been issued under § 16-123-325, 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.

(b) The election shall be made no later than the twentieth day after the date of receipt by the electing person of service under § 16-123-325 or, in the case of the Arkansas Fair Housing Commission, not later than the twentieth day after the date the charge was issued.

(c) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the charge relates.

16-123-330. Attorney General -- Action for enforcement.

(a) If a timely election is made under § 16-123-329, the Arkansas Fair Housing Commission may authorize and the Attorney General may file and maintain on behalf of the aggrieved party a civil action in a court of competent jurisdiction in the county where the respondent seeking appropriate relief under this section resides or the Attorney General may authorize the commission to hire outside counsel to pursue appropriate relief.

(b) If the commission determines, as under § 16-123-321, and after consultation with the office of the Attorney General, that a conciliation agreement has been breached by the respondent, the Attorney General may file a civil action on behalf of the aggrieved person in a court of competent jurisdiction in the county where the respondent seeking enforcement of the conciliation agreement resides or the Attorney General may authorize the commission to hire outside counsel to seek enforcement of the conciliation agreement.

(c) Venue for an action under this section is in a court of competent jurisdiction in the county where the respondent resides.

(d) An aggrieved person may intervene in the action.

(e) If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under this subchapter.

16-123-331. Administrative hearing.

(a) (1) If a timely election to commence a civil action is not made under § 16-123-329, the Arkansas Fair Housing Commission shall provide for an administrative hearing on the charge.

(2) (A) The administrative hearing will be adjudicated by the commission.

(B) In that proceeding or any factually related proceeding under this section, no officer, employee, or agent of the state of Arkansas engaged in the performance of investigative, conciliatory, or prosecutorial functions in connection with the proceeding shall participate in or advise on the decision of the commission, except as a witness or counsel during the proceedings.

(b) Except as provided in this section, the Arkansas Administrative Procedure Act, § 25-15-201 et seq., governs a hearing and an appeal of a hearing under this section.

16-123-332. Administrative penalties.

(a) If the Arkansas Fair Housing Commission determines at a hearing under § 16-123-331 that a respondent has engaged in or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, and court costs.

(b) To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed:

(1) Eleven thousand dollars (\$11,000) if the respondent has not been adjudged by order of the commission or a court to have committed a prior discriminatory housing practice;

(2) Except as provided by subsection (c) of this section, twenty-seven thousand five hundred dollars (\$27,500) if the respondent has been adjudged by order of the commission or a court to have committed one (1) other discriminatory housing practice during the five-year period ending on the date of the filing of this charge; and

(3) Except as provided by subsection (c) of this section, fifty-five thousand dollars (\$55,000) if the respondent has been adjudged by order of the commission or a court to have committed three (3) or more discriminatory housing practices during the five-year period ending on the date of the filing of the charge.

(c) 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, the civil penalties in subdivisions (b)(2) and (3) of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

(d) In addition to all other penalties set forth in this subchapter, the commission may require

the respondent to complete up to thirty (30) classroom hours of fair housing education courses designated by the commission or up to thirty (30) hours of community service designated by the commission, or both.

16-123-333. Effect of a commission order.

An Arkansas Fair Housing Commission order under § 16-123-331 does not affect any contract, sale, encumbrance, or lease that:

(1) Was consummated before the commission issued the order; and

(2) Involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this subchapter.

16-123-334. Licensed or regulated businesses.

If the Arkansas Fair Housing Commission, § 16-123-303, issues 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 government agency, the commission, not later than the thirty (30) days after the issuance of the order, shall send copies of the findings of fact, conclusions of law, and the order to the governmental agency.

16-123-335. Cooperation with state and federal agencies.

(a) The Arkansas Fair Housing Commission is encouraged to cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., as in effect January 1, 2001, and may assist the Secretary of Housing and Urban Development or Attorney General of the United States in any way consistent with the policies of this subchapter.

(b) The commission shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, 42 USC § 3601 et seq., as in effect January 1, 2001, as a complaint filed under this section.

16-123-336. Civil action.

(a) An aggrieved person may file a civil action in a court of competent jurisdiction in the county where the respondent resides not later than two (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 subchapter, whichever occurs last, to obtain appropriate

relief with respect to the discriminatory housing practice or enforcement of a conciliation agreement.

(b) (1) The two-year period does not include any time during which an administrative proceeding under this subchapter is pending with respect to a complaint or charge under this subchapter based on the discriminatory housing practice.

(2) This subsection does not apply to actions arising from a breach of a conciliation agreement.

(c) Except as otherwise provided in subsection (e) of this section, an aggrieved person may file an action under this section whether or not a complaint has been filed under § 16-123-317, and without regard to the status of any complaint filed under that section.

(d) If the Arkansas Fair Housing Commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

(e) An aggrieved person may not file a civil action under this section with respect to the alleged discriminatory housing practice forming the basis of that charge after the actual commencement of an administrative hearing.

16-123-337. Court-appointed attorney.

On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory housing practice is alleged, the court may appoint an attorney for the person to the extent provided by applicable law concerning indigents in civil actions.

16-123-338. Relief.

In a civil action under this subchapter, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff:

(1) Compensatory and punitive damages;

(2) Reasonable attorney's fees;

(3) Court costs; and

(4) Subject to § 16-123-339, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering affirmative action as may be appropriate.

16-123-339. Effect if relief granted.

Relief granted under this subchapter does not affect a contract, sale encumbrance, or lease that:

(a) Was consummated before the granting of the relief; and

(b) Involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this subchapter or a civil action under this subchapter.

16-123-340. Intervention by Attorney General.

(a) The Arkansas Fair Housing Commission may authorize the Attorney General to intervene and the Attorney General may intervene in an action if the case is of general public importance.

(b) The Attorney General may obtain the same relief available under § 16-123-341.

16-123-341. Pattern and practice cases.

(a) At the request of the Arkansas Fair Housing Commission, the Attorney General may file a civil action in a court of competent jurisdiction in the county where the respondent resides for appropriate relief if the Attorney General has reasonable cause to believe that:

(1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this subchapter; or

(2) A person has been denied any right granted by this subchapter and that denial raises an issue of general public importance.

(b) In an action under this section the court may:

(1) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this subchapter as necessary to assure the full enjoyment of the right granted by this subchapter;

(2) Award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs; and

(3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:

(A) Fifty thousand dollars (\$50,000) for a first violation; and

(B) One hundred thousand dollars (\$100,000) for a second or subsequent violation.

(c) A person may intervene in an action under this section if the person is:

(1) An aggrieved person to the discriminatory housing practice; or

(2) A party to a conciliation agreement concerning the discriminatory housing practice.

16-123-342. Subpoena enforcement.

The Arkansas Fair Housing Commission, on behalf of itself or other party at whose request a subpoena is issued under this subchapter, may enforce the subpoena in appropriate proceedings in a court of competent jurisdiction in the county where the respondent resides.

16-123-343. Prevailing party.

(a) A court in a civil action brought under this subchapter or the Arkansas Fair Housing Commission in an administrative hearing under § 16-123-331 may award reasonable attorney's fees to the prevailing party.

(b) However, nothing contained in this subchapter shall waive the sovereign immunity of the State of Arkansas or any of its officials, agencies, departments, boards, or commissions.

16-123-344. Intimidation or interference.

A person commits an offense if the person, whether or not acting under color of law, intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(1) Because of the person's race, color, religion, sex, disability, familial status, or national origin and because the person 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 a service, organization, or facility relating to the business of selling or renting dwellings; or

(2) Because the person is or has been, or to intimidate the person from:

(A) Participating, without discrimination because of race, color, religion, sex, disability, familial status, or national origin, in an activity, service, organization, or facility described in subdivision (1) of this section;

(B) Affording another person opportunity or protection to so participate; or

(C) Lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, disability, familial status, or facility described in subdivision (1) of this section.

16-123-345. Incentives for self-testing and self-correction.

(a) (1) A report or result of a self-test, as that term is defined by regulation of the Director of the Arkansas Fair Housing Commission, shall be considered to be privileged under subdivision (a)(2) of this section if a person:

(A) Conducts or authorizes an independent third party to conduct a self-test of any aspect of a residential real estate-related lending transaction or any part of that transaction by that person in order to determine the level or effectiveness of compliance with this subchapter by that person; and

(B) Has identified any possible violation of this subchapter by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

(2) If a person meets the conditions specified in subdivision (a)(1) of this section with respect to a self-test, any report or results of that self-test:

(A) Shall be privileged; and

(B) May not be obtained or used by the Arkansas Fair Housing Commission or any applicant, department, or agency in any:

(i) Proceeding or civil action in which one (1) or more violations of this subchapter are

alleged; or

(ii) Examination or investigation relating to compliance with this subchapter.

(b) (1) No provision of this subchapter may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this subchapter is alleged, or in any examination or investigation of compliance with this subchapter if:

(A) The person to whom the self-test relates or any person with lawful access to the report or the results:

(i) Voluntarily releases or discloses all or any part of the report or results to the commission, aggrieved person, complainant, department, or agency or to the general public; or

(ii) Refers to or describes the report or results as a defense to charges of violations of this subchapter against the person to whom the self-test relates; or

(B) The report or results are sought in conjunction with an adjudication or admission of a violation of this subchapter for the sole purpose of determining an appropriate penalty or remedy.

(2) Any report or results of a self-test that are disclosed for the purpose specified in subdivision (b)(1)(B) of this section:

(A) Shall be used only for the particular proceeding in which the adjudication or admission referred to in subdivision (b)(1)(B) of this section is made; and

(B) May not be used in any other action or proceeding.

(c) An aggrieved person, complainant, department, agency, or the commission that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in:

(1) A court of competent jurisdiction; or

(2) An administrative law proceeding with appropriate jurisdiction.

16-123-346. Fair housing education program.

(a) The Director of the Arkansas Fair Housing Commission shall establish a statewide education and outreach program through contracts with local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

(b) The program shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products, including:

(1) Public service announcements, both audio and video;

(2) Television, radio, and print advertisements;

(3) Posters; and

(4) Pamphlets and brochures.

(c) The director shall encourage cooperation with real estate industry organizations in the statewide education and outreach program.

(d) The director shall encourage the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the **Fair Housing Act Amendments of 1988**.

16-123-347. Arkansas Fair Housing Commission Trust Fund.

(a) There is hereby established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a fund to be known as the "Arkansas Fair Housing Commission Trust Fund".

(b) The fund shall consist of:

(1) Funds received by the Arkansas Fair Housing Commission, and any other moneys as may be provided by the General Assembly, there to be used for the administration and operations of the commission; and

(2) Any administrative or civil penalty levied and collected pursuant to this subchapter to be solely used for fair housing education of the public and the operational expenses of the

commission.

(c) The appropriation to the Arkansas Fair Housing Commission providing for "public education" may be used to fund all expenses incurred in conducting educational seminars and other forms of educational projects for use and benefit generally of the public, including the production and distribution of information literature of an educational nature.

16-123-348. Violations -- Bodily injury -- Penalties.

(a) It is unlawful for a person, whether or not acting under color of law, by force or threat of force, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with:

(1) Any person because of his or her race, color, religion, sex, disability, as defined in § 16-123-302, familial status, as defined in § 16-123-302, or national origin or because the person 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, organizations, or facility relating to the business of selling or renting dwellings;

(2) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(A) Participating, without discrimination on account of race, color, religion, sex, disability, as defined in § 16-123-302, familial status, as defined in § 16-123-302, or national origin, in any of the activities, services, organizations or facilities described in subdivision (a)(1) of this section; or

(B) Affording any person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, as defined in § 16-123-302, familial status, as defined in § 16-123-302, or national origin, in any of the activities, services, organizations or facilities described in subdivision (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(b) A person who violates any provision of subsection (a) of this section shall:

(1) If the violation results in bodily injury, be fined not more than two hundred fifty thousand dollars (\$250,000) or be imprisoned for not more than ten (10) years, or both;

(2) If the violation results in death, be imprisoned for not less than ten (10) years or life;

(3) If the violation results in property damage exceeding one hundred dollars (\$100) or if the violation involves the use or attempted use of fire or a firearm, be fined not more than two hundred fifty thousand dollars (\$250,000) or be imprisoned for not more than five (5) years, or both; or

(4) Otherwise, be fined not more than one hundred thousand dollars (\$100,000) or be imprisoned for not more than one (1) year, or both.