



The City of Nederland, Texas

Fair Housing Complaint Process

Fair Housing Complaint Process

It is the policy of the City of Nederland that there shall be no discrimination in the acquisition, ownership, possession or enjoyment of housing through the City of Nederland.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act, which:

- expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability or on familial status (presence of child under age of 18, and pregnant women);
- established new administrative enforcement mechanisms with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination; and
- revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

You Have a Right to File a Complaint if:

1. You are being denied the right to purchase, rent, or are otherwise discriminated against when dealing with a person regarding housing.
2. You are discriminated against in the conditions or terms of sale, rental, or occupancy of housing;
3. Housing is falsely denied as being available;
4. Advertising regarding housing is discriminatory;
5. Blockbusting is used (casing someone to sell or rent by telling them that members of a minority group are moving into the area);
6. A bank, savings and loan association, or other business related thereto discriminates in housing financing;
7. Members or participation in brokerage, multiple listing, or real estate service is denied;

8. You believe the reason for any of these acts is your race, color, religion, national origin, sex, familial status or handicap (disability).

HUD's Title VIII Fair Housing Complaint Process

1. Intake

1. Anyone can file a complaint with HUD at no cost. Fair housing complaints can be filed by any entity, including individuals and community groups. Those that file fair housing complaints are known as "complainants." Those against whom fair housing complaints are filed are called "respondents."
2. Fair housing complaints can be filed with HUD by telephone (1-800-669-9777), mail, or via the Internet. Follow this link to fill out a fair housing complaint form online <http://www.hud.gov/complaints/housediscrim.cfm>.
3. After HUD has received the initial information, an intake specialist will contact the complainant and interview him or her to collect facts about the alleged discrimination. Initial interviews are normally conducted by telephone. The intake specialist will then review the allegations to determine whether the matter is jurisdictional.
4. If HUD has jurisdiction to investigate, HUD will file the complaint. If the allegations do not fall within HUD's jurisdiction, for example if the complaint does not allege housing discrimination, HUD cannot accept the complaint and must close the case.
5. If the alleged discrimination occurred within a state or locality in HUD's Fair Housing Assistance Program¹, HUD will refer the complaint to that agency. That agency must begin to work with the complainant within 30 days, or HUD can take the complaint back.

2. Filing

1. If HUD accepts the complaint for investigation, the investigator will draft a formal complaint on HUD's standard form and provide it to the complainant, typically by mail. The complainant must sign the form and return it to HUD.
2. Within 10 days after receipt of a signed complaint, HUD will send the respondent notice that a fair housing complaint has been filed against him or her along with a copy of the complaint. At the same time, HUD will send the complainant an acknowledgement letter and a copy of the complaint.
3. Within 10 days of receiving the notice, the Respondent must submit to HUD an answer to the complaint.

¹ All the agencies within Fair Housing Assistance Program have laws that are substantially equivalent to the federal Fair Housing Act.

3. Investigation

1. As part of the investigation, HUD will interview the complainant, the respondent, and pertinent witnesses. The investigator will collect relevant documents or conduct onsite visits, as appropriate.
2. HUD has the authority to take depositions, issue subpoenas and interrogatories, and compel testimony or documents.

4. Conciliation

1. The Fair Housing Act requires HUD to bring the parties together to attempt conciliation in every fair housing complaint. The choice to conciliate the complaint is completely voluntary on the part of both parties. Any conciliation agreement signed by HUD must protect the public's interests.
2. If the parties sign a conciliation agreement, HUD will end its investigation and close the case. However, if either party breaches the agreement, HUD can recommend that the U.S. Department of Justice (DOJ) file suit to enforce the agreement.

5. No Cause Determination

1. If, after a thorough investigation, HUD finds no reasonable cause to believe that housing discrimination has occurred or is about to occur, HUD will issue a determination of "no reasonable cause" and close the case.
2. A complainant who disagrees with that decision can request reconsideration of the case by sending a letter to the Director of the Office of Enforcement, FHEO, 451 7th Street, SW, Room 5214, Washington, DC 20410.
3. Upon receipt of a request for reconsideration, HUD will notify all of the parties that the request has been received and invite them to submit any additional evidence pertinent to the investigation.
4. HUD will review all of the materials from the investigation and any additional evidence that the parties provide.
5. HUD will then inform the parties if the Department has affirmed its finding of "no reasonable cause" or instead has decided to re-open the complaint. If HUD decides to re-open the complaint, it will resume investigation and conciliation. If HUD affirms its finding of "no reasonable cause," HUD can take no further action on the complaint.
6. If the complainant disagrees with HUD's determination that there was no reasonable cause to believe that discrimination occurred or was about to occur, the complainant can file a civil court action in the appropriate U.S. district court.

6. Cause Determination and Charge

1. If the investigation produces reasonable cause to believe that discrimination has occurred or is about to occur, HUD will issue a determination of “reasonable cause” and charge the respondent with violating the law. HUD will send a copy of the charge to the parties in the case.
2. After HUD issues a charge, a HUD Administrative Law Judge (ALJ) will hear the case unless either party elects to have the case heard in federal civil court. Parties must elect within 20 days of receipt of the charge.

7. Hearing in a U.S. District Court

1. Within 30 days after either party elects to go to federal court, DOJ will commence a civil action on behalf of the aggrieved person in U.S. district court.
2. If the court finds that a discriminatory housing practice has or is about to occur, the court can award actual and punitive damages as well as attorneys fees.

8. Hearing before a HUD ALJ

1. If neither party elects, a HUD ALJ will hear the case. An attorney from HUD will represent the aggrieved party before the ALJ.
2. When the ALJ decides the case, the ALJ will issue an initial decision.
3. If the ALJ finds that housing discrimination has occurred or is about to occur, the ALJ can award a maximum civil penalty of \$11,000, per violation, for a first offense, in addition to actual damages for the complainant, injunctive or other equitable relief, and attorneys’ fees.
4. Within 15 days of the issuance of the ALJ’s initial decision, any party adversely affected by the ALJ’s initial decision can petition the Secretary of HUD for review.
5. The Secretary of HUD has 30 days after the initial decision to affirm, modify, or set aside the ALJ’s initial decision, or remand the initial decision for further proceedings. If the Secretary does not take any action within 30 days, the decision will be considered the Department’s final decision.
6. After the Department has issued a final decision, any party aggrieved by the Department’s final decision can appeal to the appropriate court of appeals.