



# Respondent Obligations in Fair Housing Investigations

Notification of a Filed Complaint

The Complaint Process

Conciliation

Resolution of the Case

Tips and Resources

## EQUAL TREATMENT UNDER THE LAW

We all want to be treated equally. The Fair Housing Act was enacted to ensure equal treatment in housing, including rental, sale, lending, and other residential real estate-related transactions. The Fair Housing Act was enacted to ensure equal treatment in a wide range of instances, including rental, sale, loan, and insurance-related housing transactions and to establish an impartial system in which HUD receives and investigates discrimination claims.

Fair housing is good business. Though the best landlords, real estate agents, loan officers, and insurance agents may create policies and make efforts to carefully adhere to fair housing laws, there is always a potential for complaints.

HUD's Office of Fair Housing and Equal Opportunity (FHEO) enforces the Fair Housing Act by investigating complaints of housing discrimination. Let's walk through HUD's process for investigating housing discrimination complaints. **Click on each section to the left for more information. Click on the HUD logo and the title at the top to return to this page.**





# Respondent Obligations in Fair Housing Investigations

## Notification of a Filed Complaint

## The Complaint Process

## Conciliation

## Resolution of the Case

## Tips and Resources

### Notification of a Filed Complaint

Receiving a formal letter from HUD is often the first indication that a claim of discrimination has been made against you or your business. The initial notification letter will include a copy of the signed complaint filed with HUD. The signed complaint will contain the allegations of housing discrimination made against you. The person who filed the complaint is referred to as the “complainant” and you are the “respondent.”

In this initial notification letter you will be informed of:

1. the rights and obligations you have in responding to the complaint;
2. the rights and obligations each complainant has;
3. the steps HUD will take to determine whether there is reasonable cause to believe discrimination may have occurred.

The notification letter also explains that you may file a written answer, or “response,” to the complaint **within ten days of receipt**. Your formal response to the allegations must be truthful and signed. Your response is essential for HUD to determine what evidence is needed to fully investigate the complaint and for you to benefit from your due process rights.

If you forgot to include information in your initial response, you may amend your answers later.



# Respondent Obligations in Fair Housing Investigations

## Notification of a Filed Complaint

## The Complaint Process

## Conciliation

## Resolution of the Case

## Tips and Resources

### The Complaint Process

HUD's Office of Fair Housing and Equal Opportunity (FHEO) employs Equal Opportunity Specialists across the country to investigate housing discrimination allegations. Investigative staff remain neutral and impartial throughout the process. This means they carefully consider the positions of all parties and all relevant evidence in each case.

During the investigation, you may be asked to provide written responses to requests for information. This could include copies of records or documents related to your responses. HUD's requests for information will also be based on the complainant's allegations and address information and evidence necessary to complete the investigation.

It is HUD's policy to attempt to secure the voluntary cooperation of all persons in the collection of information during the investigation, but the law also authorizes HUD to issue subpoenas in the aid of the investigation. It's very important that you respond to HUD's requests and cooperate fully with the investigation.

The investigator, who will review the evidence from both parties, conducts interviews, gathers additional information to support or refute the discrimination claim, and carefully coordinates with both parties. The investigator will keep in touch with you about the status of the investigation process and any additional information that may be needed or will be helpful.

We understand that you want any grievance to be addressed quickly. HUD's careful and impartial investigative process does take time. The law requires HUD to complete its investigation within 100 days of the date of the official filing of the complaint, unless it's impracticable to do so. If HUD is unable to complete the investigation within the 100-day period, HUD will notify you and the complainant, by mail, of the reasons for the delay.

You have the right to be represented by an advocate or attorney at any time.



# Respondent Obligations in Fair Housing Investigations

Notification of a Filed Complaint

The Complaint Process

Conciliation

Resolution of the Case

Tips and Resources

## Conciliation

HUD's fair housing complaint process may result in conciliation or a determination of reasonable cause and charge.

HUD is required by law to provide the parties an opportunity to conciliate the complaint. In this situation, investigators work with both parties through an interactive process to settle the case. Though this process can be helpful in finding a solution to the discrimination complaint, participation in conciliation is completely voluntary during the investigation.

During the process, the investigator will talk to you about the complainant's request for relief to settle the complaint. This may include discussing the complainant's alleged damages. Damages may include monetary losses, moving costs, higher rent, attorney's fees and emotional distress such as humiliation, mental anguish, and psychological injuries. Complainant's damages may also include equitable relief, such as specific performance of a rental of a dwelling, or a requested reasonable accommodation. In addition to relief for the complainant, a conciliation agreement includes relief in the public interest to aid in the elimination of discriminatory housing practices in the future like fair housing training for respondents, eliminating discriminatory practices and policies, record-keeping and reporting. The investigator will engage in a conciliation process with you and the other parties to provide an opportunity for voluntary resolution of the complaint.

HUD may resolve the investigation through a document called a Conciliation Agreement. If other civil rights laws are involved, it is called a Voluntary Compliance Agreement-Conciliation Agreement. Both types of agreements are subject to HUD approval. Following a signature by both parties, HUD will close the investigation and monitor compliance with the agreement. The agreement, in most cases will be public.



# Respondent Obligations in Fair Housing Investigations

## Notification of a Filed Complaint

## The Complaint Process

## Conciliation

## Resolution of the Case

## Tips and Resources

### Resolution of the Case

If the complaint is not successfully conciliated, the investigator uses the evidence to recommend a “finding” on whether there is “reasonable cause” or “no reasonable cause” to believe that a violation of the Fair Housing Act has occurred.

If HUD determines that there is reasonable cause to believe that discrimination occurred, a “Determination of Reasonable Cause” and a “Charge of Discrimination” will be issued. All complainants and respondents **have 20 days after receiving notice** of the Charge to decide whether to have the case tried before a Federal District Court judge. If no one does so, the case is heard by a HUD Administrative Law Judge (ALJ).

After the hearing, an Administrative Law Judge may order you to pay the complainant monetary damages for actual losses, including out of pocket expenses and emotional distress, order injunctive or other equitable relief, and order you to pay a civil penalty.

If HUD finds that there is no reasonable cause to believe that discrimination occurred, HUD will dismiss your complaint with a Determination of No Reasonable Cause. HUD will notify the parties of the dismissal, and you may request a copy of the Final Investigative Report.

The outcome of the housing discrimination case, whether conciliated without a finding or results in a reasonable or no cause finding, is public information, subject to some limited exceptions.

The complainant has the right to file a lawsuit during the process.



# Respondent Obligations in Fair Housing Investigations

Notification of a Filed Complaint

The Complaint Process

Conciliation

Resolution of the Case

Tips and Resources

## Complaint Process Tips

**Take the complaint allegation(s) seriously and be open to the complaint process** — You have the opportunity to learn about the impartial process, the perspective of the complainant, how to gather evidence, and steps you can make to support fair housing practices.

**The investigator, an impartial professional, did not file the complaint** — The investigator is not acting as an advocate for any party, and no determination of whether the complaint has merit will be made without a sufficient investigation.

**Ask for clarification** — HUD will assist you with understanding the process and what you can expect during the investigation and/or conciliation.

**Review the allegations carefully and respond accordingly with factual evidence** — Taking the time to carefully read the allegations and provide relevant evidence will help the investigative process.

**Cooperate fully with the investigation** — Follow the legal guidelines, keep HUD apprised of any changed information, and respond to the investigator's request timely to help move the investigation along. This will help you in the long run.

**Know the law** — Read the Fair Housing Act and any applicable local or state fair housing laws. Understanding fair housing protected classes, prohibited actions, and other details of these laws will help with establishing best business practices.

**Obtain training on fair housing laws that may be available in your community and online** — This will help you understand your fair housing rights and obligations, and help you establish business practices to avoid future allegations.

### Fair Housing Resources

[The Fair Housing Act](#)

[HUD's Investigative Partners](#)

[Damages and Penalties](#)

[Fair Housing Training and Resources](#)