

§ 100.400

Subpart F—Interference, Coercion or Intimidation

§ 100.400 Prohibited interference, coercion or intimidation.

(a) This subpart provides the Department's interpretation of the conduct that is unlawful under section 818 of the Fair Housing Act.

(b) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this part.

(c) Conduct made unlawful under this section includes, but is not limited to, the following:

(1) Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race, color, religion, sex, handicap, familial status, or national origin of such persons, or of visitors or associates of such persons.

(3) Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, color, religion, sex, handicap, familial status, or national origin of that person or of any person associated with that person.

(4) Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this part.

(5) Retaliating against any person because that person has made a complaint, testified, assisted, or partici-

24 CFR Subtitle B, Ch. I (4-1-04 Edition)

pated in any manner in a proceeding under the Fair Housing Act.

**PART 103—FAIR HOUSING—
COMPLAINT PROCESSING**

Subpart A—Purpose and Definitions

- Sec.
103.1 Purpose and applicability.
103.5 Other civil rights authorities.
103.9 Definitions.

Subpart B—Complaints

- 103.10 What can I do if I believe someone is discriminating against me in the sale, rental, finance, or advertisement of housing?
103.15 Can I file a claim if the discrimination has not yet occurred?
103.20 Can someone help me with filing a claim?
103.25 What information should I provide to HUD?
103.30 How should I bring a claim that I am the victim of discrimination?
103.35 Is there a time limit on when I can file?
103.40 Can I change my complaint after it is filed?

Subpart C—Referral of Complaints to State and Local Agencies

- 103.100 Notification and referral to substantially equivalent State or local agencies.
103.105 Cessation of action on referred complaints.
103.110 Reactivation of referred complaints.
103.115 Notification upon reactivation.

Subpart D—Investigation Procedures

- 103.200 Investigations.
103.201 Service of notice on aggrieved person.
103.202 Notification of respondent; joinder of additional or substitute respondents.
103.203 Answer to complaint.
103.204 HUD complaints and compliance reviews.
103.205 Systemic processing.
103.215 Conduct of investigation.
103.220 Cooperation of Federal, State and local agencies.
103.225 Completion of investigation.
103.230 Final investigative report.

Subpart E—Conciliation Procedures

- 103.300 Conciliation.
103.310 Conciliation agreement.
103.315 Relief sought for aggrieved persons.
103.320 Provisions sought for the public interest.
103.325 Termination of conciliation efforts.

- 103.330 Prohibitions and requirements with respect to disclosure of information obtained during conciliation.
- 103.335 Review of compliance with conciliation agreements.

Subpart F—Issuance of Charge

- 103.400 Reasonable cause determination.
- 103.405 Issuance of charge.
- 103.410 Election of civil action or provision of administrative proceeding.

Subpart G—Prompt Judicial Action

- 103.500 Prompt judicial action.

Subpart H—Other Action

- 103.510 Other action by HUD.
- 103.515 Action by other agencies.

AUTHORITY: 42 U.S.C. 3535(d), 3600–3619.

SOURCE: 54 FR 3292, Jan. 23, 1989, unless otherwise noted.

Subpart A—Purpose and Definitions

§ 103.1 Purpose and applicability.

(a) This part contains the procedures established by the Department of Housing and Urban Development for the investigation and conciliation of complaints under section 810 of the Fair Housing Act, 42 U.S.C. 3610.

(b) This part applies to:

(1) Complaints alleging discriminatory housing practices because of race, color, religion, sex or national origin; and

(2) Complaints alleging discriminatory housing practices on account of handicap or familial status occurring on or after March 12, 1989.

(c) Part 180 of this chapter governs the administrative proceedings before an administrative law judge adjudicating charges issued under § 103.405.

(d) The Department will reasonably accommodate persons with disabilities who are participants in complaint processing.

[54 FR 3292, Jan. 23, 1989, as amended at 62 FR 66433, Dec. 18, 1997]

§ 103.5 Other civil rights authorities.

In addition to the Fair Housing Act, other civil rights authorities may be applicable in a particular case. Thus, where a person charged with a discriminatory housing practice in a com-

plaint filed under section 810 of the Fair Housing Act is also prohibited from engaging in similar practices under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-5), section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309), Executive Order 11063 of November 20, 1962, on Equal Opportunity in Housing (27 FR 11527-11530, November 24, 1962), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act (42 U.S.C. 6101) or other applicable law, the person may also be subject to action by HUD or other Federal agencies under the rules, regulations, and procedures prescribed under title VI (24 CFR parts 1 and 2), section 109 (24 CFR 570.602)), Executive Order 11063 (24 CFR part 107), section 504 (24 CFR part 8), or other applicable law.

§ 103.9 Definitions.

The terms *Fair Housing Act*, *General Counsel*, and *HUD* are defined in 24 CFR part 5.

Aggrieved person includes any person who:

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

(b) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Assistant Secretary means the Assistant Secretary for Fair Housing and Equal Opportunity in HUD.

Attorney General means the Attorney General of the United States.

Complainant means the person (including the Assistant Secretary) who files a complaint under this part.

Conciliation means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Assistant Secretary.

Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Discriminatory housing practice means an act that is unlawful under section 804, 805, 806 or 818 of the Fair Housing Act, as described in part 100.

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, or any vacant land which is