

for any injury you suffered as a result of the discrimination, including emotional distress;

- provide injunctive or other equitable relief—such as allowing you to rent or buy the dwelling;
- pay the federal government a civil penalty; and
- pay your attorney fees and costs, if you hired your own attorney.

The ALJ cannot order punitive damages, but they could be awarded in a court case.

### Federal District Court Cases

If you or the respondent chooses to have the case heard by a Federal District Court, the United States Department of Justice will prosecute the case at no cost to you. You may also hire an attorney to represent you.

The District Court can order injunctive and other equitable relief, and award actual damages, your attorney fees and costs, and punitive damages.

**Reconsideration and appeals:** ALJ decisions and Federal District Court decisions can be appealed. This means that if you, the government or the respondent does not like the decision, any

of you can ask the federal Court of Appeals to have the decision reversed or modified.

### Bringing Your Own Lawsuit

Within two years after a discriminatory housing practice has occurred or terminated, you can also bring a civil lawsuit at your own expense in Federal District Court. You retain this right even if you have filed a complaint with HUD, provided you have not signed a conciliation agreement or an administrative hearing has not begun. If you cannot afford to hire an attorney, you may seek assistance from your local legal aid organization or ask the court to appoint an attorney for you. Legal aid organizations exist in many communities to provide low-income people with free (pro bono) legal counsel.

### For More Information

**Contact HUD.** Call the U.S. Department of Housing and Urban Development at 800-669-9777 or visit its website ([www.hud.gov](http://www.hud.gov)) to file a complaint or get answers to your fair housing questions. The HUD website also contains a listing of HUD's regional fair housing offices, fair housing partners, and information and forms for filing a fair housing complaint. Visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing) for more information.



# Filing a Housing Discrimination Complaint

**LIVE FREE...**  
from housing discrimination

**About This Publication:** This publication was created by Consumer Action with funding from the U.S. Department of Housing and Urban Development (HUD). Available in additional languages. © Consumer Action 2011



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Education and advocacy since 1971



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*More than 40 years after passage of the federal Fair Housing Act, housing discrimination continues to harm millions of Americans. The Fair Housing Act prohibits housing discrimination because of race, color, national origin, religion, sex, familial status (families with children under 18) or disability.*

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In some states and municipalities, fair housing laws also protect residents from discrimination because of sexual preference, age, and other bases. The Act covers many kinds of housing transactions, including rentals, home sales, advertising, residential mortgage lending, homeowners' insurance, home improvement financing and zoning. If you believe you were a victim of housing discrimination, you have a right to file a housing discrimination complaint with HUD. Call the U.S. Department of Housing and Urban Development (HUD) at 800-669-9777 (TTY: 800-927-9275), or visit [www.hud.gov](http://www.hud.gov) for information about filing a complaint.

### **HUD and Housing Discrimination**

HUD is the federal agency charged with enforcing the Fair Housing Act.

If you need quick help to stop the loss of potential housing because of discrimination, HUD can address your complaint immediately. For instance, if you have entered into an agreement to buy a house but the seller has backed out because

his neighbors put pressure on him not to sell to a person of color, you could lose the home if something were not done immediately. In addressing such circumstances, HUD can authorize the Attorney General to go to court to prevent a rental or sale until the complaint has been investigated.

### **How to File a Complaint**

Housing discrimination complaints may be filed for up to one year after the discriminatory housing practice occurs or ends. However, it is best to file your complaint as soon as possible. HUD accepts housing discrimination complaints at its Washington, DC and regional offices, over the phone, and online via HUD's website. (Information on how to contact the office nearest you can be found at the end of this article.) HUD also will accept a letter outlining your complaint. Include your name, address, the name and address of the person you are complaining about, the address or description of the housing, a short statement of why you think your rights were violated and the date the incident occurred.

In cases where state or local law

provides rights, remedies and protections that are "substantially equivalent" to those provided by the federal Fair Housing Act, HUD may refer the complaint to the appropriate state or local enforcement agency. HUD must notify you promptly if it has referred your case, and the agency that receives it must begin investigating within 30 days. Otherwise, HUD may take back (or "reactivate") the complaint for investigation by HUD under federal law. While housing discrimination complaint, investigation, conciliation and litigation procedures may vary somewhat from agency to agency according to state or local law, all HUD-certified fair housing enforcement agencies follow essentially the same resolution process.

### **Conciliation**

While HUD (or the state or local agency) investigates your complaint, it will at the same time try to help you reach a conciliation agreement with the other party (the respondent). If an agreement is reached, it will be legally binding. However, both parties and HUD must agree to it.

### **Investigations**

Unless a conciliation agreement is reached, HUD (or the appropriate state or local agency) will continue to investigate your complaint and determine whether there is reasonable cause to believe that discrimination has occurred or is about to occur. If there is, HUD (or the agency) will issue a Charge of Discrimination. You will be notified of HUD's (or the agency's) determination. In cases handled by HUD, there will be an administrative hearing, held before an administrative law judge (ALJ), within 120 days of the Charge of Discrimination. ALJs work for government agencies and enforce powers given the agencies under law.

Both you and the respondent have the right to have a HUD Charge of Discrimination heard in court instead of before an ALJ. Whichever avenue is chosen, there is no cost to you, the complainant, because a government lawyer will prosecute the Charge of Discrimination on your behalf. In addition, you may hire your own lawyer to represent you.

### **The Administrative Hearing**

In the ALJ hearing, each side presents evidence including, when appropriate, testimony from witnesses. The ALJ will issue a decision that is subject to review by HUD's Secretary and by a court. If discrimination is found, the ALJ can order the other party to:

- pay you money for actual damages, including out-of-pocket expenses, humiliation and suffering caused by the discrimination. Actual damages means money to compensate you

