

CHAPTER 5. COMPLAINTS ALLEGING VIOLATIONS OF CIVIL RIGHTS
REQUIREMENTS.

5-1. Civil Rights Complaints Defined. Civil rights complaints are those alleging violation of one or more of the following statutes: Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968, and Executive Orders 11063 and 11246. Title VIII complaints received by HUD at the Headquarters, Regional, or Field Office levels should be processed pursuant to 24 CFR Part 105.

5-2. Complaints Received by HUD.

a. Civil rights complaints involving the operation of CPD programs received by HUD at the Headquarters and Regional Office levels shall be sent directly to the appropriate Director, Regional Office of Fair Housing and Equal Opportunity (FH&EO), for handling. Such complaints received at the Field Office level shall be sent to the FH&EO Director in the Field Office for a quick assessment of the issues raised and referral to the Regional Office for processing. The Regional Director of Fair Housing and Equal Opportunity should send copies of the complaint and the final response (with names of complainants deleted) to the Field Office FH&EO and CPD Divisions, in order to assure that the Field Office is cognizant of the issues involved. These issues should be considered carefully during Field Office monitoring to determine the recipient's conformance with civil rights requirements and certifications.

b. Where a complainant alleges that the grantee has failed to carry out housing and community development activities in a manner to affirmatively further fair housing, the Field Office FH&EO Division should handle the complaint as part of its responsibility to monitor the performance of the grantee under the certifications submitted prior to grant award.

c. Field Office FH&EO staff should be cognizant of the issues raised in discrimination complaints despite the fact that such complaints are normally handled by Regional FH&EO Office. These issues can then be part of the examination of the administration methods used by the grantee in implementing its community development activities. Where a series of complaints in a similar area have been received, the FH&EO staff should render technical assistance in these areas. HUD should have a positive approach in assisting the grantee to improve its capacity to carry out the civil rights requirements. When the Regional FH&EO Office has completed action on the complaints, copies of the complaint and final response to the complainant and the grantee shall be sent to the appropriate Field Office FH&EO and CPD Divisions.

5-3. Confidentiality. When a complaint alleges violations of civil rights requirements, the identity of the complainant, where possible, shall be kept confidential throughout the process of responding to the complaint by all parties involved.