




U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

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OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

MEMORANDUM FOR: All FHEO Staff

FROM: 
Bryan Greene, Deputy Assistant Secretary for Enforcement and
Programs, ED

SUBJECT: Intake of Complaints Filed by Organizations

The Office of Fair Housing and Equal Opportunity (FHEO) and State and local agencies participating in the Fair Housing Assistance Program (FHAP) often receive complaints by organizations. These complaints, like the complaints filed by individuals, must show that the organization is an aggrieved person.¹

This memorandum provides guidance that FHEO Regional and Field Office staff and FHAP agencies should follow during the intake of complaints filed by organizations that are seeking relief on the organization's behalf. This memorandum supplements the guidance in the Title VIII Handbook in order to address any confusion about whether fair housing organizations can be aggrieved persons with standing to file a fair housing complaint with HUD. Specifically, during intake, the following information should be collected from an organization in order to demonstrate that it is an aggrieved person who may file a Fair Housing Act administrative complaint.

A. A Statement of Harm is Sufficient to File a Complaint.

If a fair housing, disability rights, or other organization contacts FHEO or a FHAP agency to file a housing discrimination complaint, FHEO or FHAP agency staff should generally accept the complaint for filing. Like any complainant, the organization must allege that it was injured, or is about to be injured, by a discriminatory housing practice. For the purposes of filing

¹ The Title VIII Handbook says:

The Act defines an "aggrieved person" as any person who claims to have been injured, or is about to be injured, by a discriminatory housing practice. The term "any person" includes individuals and other entities such as corporations or organizations, e.g., private fair housing organizations, disability rights groups or homeowners' associations.

an administrative complaint under the Fair Housing Act or a substantially equivalent law, it is sufficient for a fair housing organization to allege that the claimed discriminatory acts frustrated the mission of the organization or caused the organization to divert its resources. If an organization provides a statement, describing the unlawful housing discrimination and indicating that the organization has been harmed by that discrimination, the information is sufficient for the purpose of accepting the complaint for filing.

During intake, FHEO or the FHAP agency should treat organizations the same as other aggrieved persons and not require them to provide evidence supporting their allegations of injury. This policy is set out in the Title VIII Handbook, which states: “[A]t intake, it is not necessary to obtain evidence proving that the aggrieved person suffered an injury; the aggrieved person’s assertion of the injury is sufficient for the filing of the complaint.”

If an organization chooses to provide financial or other evidence of injury during intake, intake staff should place and secure these records in Section IIB of the case file, Complainant’s Evidence. See Title VIII Handbook, Chapter 10, Preparation of the Case File. The Title Eight Automated Paperless Office Tracking System (TEAPOTS) contains a brief checklist for use in collecting information regarding an aggrieved person’s injury. This checklist is found under the Intake Tab: Other Questions for the Claimant.

FHEO and FHAP agency staff must not discourage a fair housing, disability rights, or other organization from filing a complaint, even if the organization receives funds under the Fair Housing Initiative Program (FHIP) or another program.

B. Document the Authority to File the Complaint on Behalf of the Organization.

The authority of the individual seeking to file a complaint on behalf of an organization must be verified at intake. As set out in the Title VIII Handbook, when an individual claims to have authority to file a complaint on behalf of an organization, intake staff should always request written verification of that individual’s authority to file a complaint in the name of the organization. Acceptable written verification includes, but is not limited, to a board resolution authorizing the filing of a complaint, the official minutes of an executive board meeting where the board authorized the complaint to be filed, or written authorization to file a complaint on behalf of the organization signed by an appropriate board officer.

C. Explain that FHEO or the FHAP Agency Will Need Information to Substantiate the Organization’s Injury.

Intake and investigative staff should advise an organizational complainant that, during the investigation of its complaint, FHEO or the FHAP agency will gather information needed to substantiate the organization’s injury. Intake and investigative staff should explain the type of information that FHEO or the FHAP agency will be seeking. It is important to stress to the organizational complainant that it must keep records showing the types and extent of injury incurred.

Conclusion

These procedures applicable to complaints filed by organizations are effective immediately. Please contact me at 202-619-8046 if you have any questions about these procedures.