

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Part 103**

[Docket No. FR-4433-I-01]

RIN 2529-AA86

Fair Housing Complaint Processing; Plain Language Revision and Reorganization

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule revises HUD's regulations that concern the processing of fair housing complaints in two ways. First, the current sections that address the filing of complaints have been rewritten using plain language. Plain language is an approach to writing that promotes responsive, accessible, and understandable written communication. Second, the sections that address the investigation of complaints have been moved to another place in the regulations. We are revising these regulations to make the procedures for filing housing discrimination complaints easier to understand. This rule does not change the substance of the existing fair housing complaint processing regulations.

DATES: Effective Date: May 14, 1999. Comments Due Date: Comments must be submitted by June 14, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this interim rule to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 am and 5:30 pm weekdays at the above address.

Facsimile (FAX) comments will not be accepted.

FOR FURTHER INFORMATION CONTACT:

Judith Keeler, Acting Director, Office of Enforcement, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-2000; telephone (202) 708-0836 (this is not a toll-free number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:**Background**

Title VIII of the Civil Rights Act of 1968 (Public Law 90-284, 82 Stat. 81, approved April 11, 1968, codified as amended at 42 U.S.C. 3601-3619) (the Fair Housing Act) prohibits discrimination in the sale, rental, or financing of housing based on race, color, religion, national origin, sex, disability, or familial status. To enforce this prohibition, the Fair Housing Act authorizes HUD to receive and investigate housing discrimination complaints.

In 1988, the Fair Housing Amendments Act (Public Law 100-430, 102 Stat. 1619, approved September 13, 1988) (the 1988 Act) expanded HUD's authority to initiate fair housing investigations and to file complaints. We implemented the 1988 Act through final regulations published on January 23, 1989 (54 FR 3232). The January 23, 1989 final rule, among other things, established a new 24 CFR part 103. Part 103 describes the policies and procedures that govern the processing of fair housing complaints.

This rule revises subpart B (entitled "Complaints") of the part 103 regulations in two ways. First, the sections in subpart B that address the filing of complaints have been rewritten using plain language. Second, the sections in subpart B that address the investigation of complaints have been moved to subpart D (entitled

"Investigation Procedures"). Subpart D concerns investigation procedures for fair housing complaints.

Plain Language

HUD has revised 24 CFR part 103, subpart B using plain language in response to President Clinton's Memorandum of June 1, 1998, entitled "Plain Language in Government" (63 FR 31885, Wednesday, June 10, 1998). In this memorandum, President Clinton directed Federal agencies to use plain language in all government writing. With respect to rules, President Clinton directed Federal agencies to use plain language in new proposed and final rules beginning January 1, 1999. In the same memorandum, President Clinton also urged Federal agencies to consider rewriting existing regulations in plain language, as resources permit.

Plain language is an approach to writing that promotes responsive, accessible, and understandable written communications. It involves the use of a number of writing tools to create documents that are visually inviting, logically organized, and understandable on the first reading. These writing tools include:

- Using the active voice and strong verbs;
- Using compact sentences;
- Using personal pronouns such as "you" and "we";
- Using common, everyday words;
- Avoiding surplus words and technical or legal jargon;
- Using tables to present information where appropriate; and
- Using a design and layout that increases comprehension.

We selected subpart B of 24 CFR part 103 as the first of our regulations to be rewritten in plain language format, because it is important that regulations addressing housing discrimination be easy to understand.

For more information about plain language, please contact the National Partnership for Reinventing Government using one of the following methods:

If you are using this method...	please use this address:
World Wide Web	http://www.plainlanguage.gov
Email	info@plainlanguage.gov
Postal Address	National Partnership for Reinventing Government 750-17th Street, NW, Suite 200, Washington, DC 20006.
Phone (voice)	Customer Service Desk: (202) 694-0001.

Sections Moved From Subpart B to Subpart D of 24 CFR Part 103

This interim rule moves §§ 103.45, 103.50, and 103.55 from 24 CFR part

103, subpart B to 24 CFR part 103, subpart D. These sections, which relate to the investigation of complaints, are more appropriately located in subpart D.

Subpart D addresses the investigation procedures for fair housing complaints. In addition, this rule adds a new § 103.204 to subpart D, entitled "HUD

complaints and compliance reviews." Paragraph (a) of new § 103.210 clarifies that HUD may conduct a fair housing investigation and file a complaint based on information that one or more discriminatory housing practices has occurred, or is about to occur.

Paragraph (b) of § 103.210 repeats the language of current § 103.10(b). This section concerns HUD compliance reviews under other civil rights authorities, such as Executive Order 11063, entitled "Equal Opportunity in Housing" (27 FR 11527, November 20, 1962, reprinted as amended at 42 U.S.C. 1982 note), title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241, 252, approved July 2, 1964, codified as amended at 42 U.S.C. 2000d

et seq.), section 109 of the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633, 649, approved August 22, 1974, codified at 42 U.S.C. 5309), section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 87 Stat. 355, 394, approved September 26, 1973, codified as amended at 29 U.S.C. 794), and the Age Discrimination Act of 1975 (Public Law 94-135, 89 Stat. 728, approved November 28, 1975, codified as amended at 42 U.S.C. 6101-6107). HUD is making these revisions to clarify and simplify the organization of its fair housing complaint processing regulations.

Substance of Complaints Filing Process Unchanged

This interim rule does not change the substance of the existing fair housing complaint processing regulations. We are revising these regulations to make the housing discrimination filing procedures more accessible and understandable to the public. All procedures and requirements for filing housing discrimination complaints remain as they are currently.

List of Fair Housing Offices

The list of HUD's fair housing offices, with mailing addresses and phone numbers, is provided in the table below. These offices have special expertise in handling fair housing claims.

If you are in this area...	please contact this office:
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 321, Boston, MA 02222-1092, (617) 565-5308; (800) 827-5005; TTY (617) 565-5453.
New Jersey or New York	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, 26 Federal Plaza, Room 3532, New York, NY 10278-0068, (212) 264-9610; (800) 496-4294; TTY (212) 264-0927.
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, or West Virginia.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, (215) 656-0660; (888) 799-2085; TTY (215) 656-3450.
Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, or Tennessee.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Richard B. Russell Federal Building, 75 Spring Street, SW, Room 320, Atlanta, GA 30303-3388, (404) 331-5140; (800) 440-8091; TTY (404) 730-2654.
Illinois, Michigan, Minnesota, Ohio, or Wisconsin.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Room 2101, Chicago, IL 60604-3507, (312) 353-7776; (800) 765-9372; TTY (312) 353-7143.
Arkansas, Louisiana, New Mexico, Oklahoma, or Texas.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, 1600 Throckmorton, Room 502, Fort Worth, TX 76113-2905, (817) 978-9270; (800) 498-9371; TTY (817) 978-9274.
Iowa, Kansas, Missouri, or Nebraska	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Gateway Tower II, 400 State Avenue, Room 200, Kansas City, KS 66101-2406, (913) 551-6958; (800) 743-5323; TTY (913) 551-6972.
Colorado, Montana, North Dakota, South Dakota, Utah, or Wyoming.	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, 633 17th Street, Denver, CO 80202-3607, (303) 672-5437; (800) 877-7353; TTY (303) 672-5248.
Arizona, California, Hawaii, or Nevada	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102-3448, (415) 436-8400; (800) 347-3739; TTY (415) 436-6594.
Alaska, Idaho, Oregon, or Washington	Fair Housing Enforcement Center, U.S. Dept. of Housing and Urban Development, Seattle Federal Office Building, 909 First Avenue, Room 205, Seattle, WA 98104-1000, (206) 220-5170; (800) 877-0246; TTY (206) 220-5185.
If after contacting the local office nearest you, you still have questions—you may contact HUD further at:.	U.S. Dept. of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 451 Seventh Street, SW, Room 5204, Washington, DC 20410-2000, (202) 708-0836; (800) 669-9777; TTY (800) 927-9275.

Findings and Certifications

Justification for Interim Rule

Ordinarily, HUD provides notice and an opportunity for the public to comment on rules before they become effective. If, however, we determine that notice and public comment are impracticable, unnecessary, or contrary to the public interest, we are permitted, under 24 CFR 10.1 (entitled "Policy"), to issue regulations directly through an interim or final rule. In this case, we have determined that initial notice and public comment are unnecessary. The

purpose of this rule is to make the housing discrimination filing procedures more accessible and understandable to the public by using plain language. The rule does not make substantive changes to the regulations. All procedures and requirements for filing housing discrimination complaints remain as they are currently.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4, 109 Stat. 48, 64, approved March 22, 1995, codified at 2 U.S.C. 1531-

1538)(UMRA) requires Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and on the private sector. This interim rule does not impose, within the meaning of the UMRA, any Federal mandates on any State, local, or tribal governments or on the private sector.

Environmental Impact

This interim rule sets out non-discrimination enforcement procedures. Accordingly, under 24 CFR 50.19(c)(3), this interim rule is categorically

excluded from environmental review under the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, approved January 1, 1970, codified as amended at 42 U.S.C. 4321-4347).

Impact on Small Entities

The Secretary, in accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, approved September 19, 1980, codified as amended at 5 U.S.C. 601-612), has reviewed and approved this interim rule and in so doing certifies that it would not have a significant economic impact on a substantial number of small entities.

The interim rule revises, using plain language, the text of HUD's fair housing complaint processing regulations in subpart B of 24 CFR part 103. The rule also moves certain sections from subpart B to subpart D. The rule does not amend the substance of HUD's fair housing complaint processing regulations at 24 CFR part 103. All procedures and requirements for filing housing discrimination complaints remain as they are currently. We are revising these regulations in order to make the housing discrimination filing procedures more accessible and understandable to the public.

While we have determined that this rule would not have a significant economic impact on a substantial number of small entities, we welcome any comments regarding alternatives to this rule that would meet our objectives, as described in this preamble, and would be less burdensome to small entities.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612 (entitled "Federalism"), has determined that the policies contained in this interim rule do not have substantial direct effects on States or their political subdivisions, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

This interim rule does not alter the substance of HUD's existing fair housing complaint processing regulations. The interim rule revises and reformats the fair housing complaint processing regulations so that HUD's housing discrimination filing procedures more accessible to the public. The interim rule is exclusively concerned with policies and procedures applicable to the processing of fair housing complaints. No programmatic or policy

changes result from this rule that affect the Federalism concerns addressed in the Executive Order. As a result, this interim rule is not subject to review under the Order.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.400.

List of Subjects in 24 CFR Part 103

Administrative practice and procedure, Aged, Fair housing, Individuals with disabilities, Intergovernmental relations, Investigations, Mortgages, Penalties, Reporting and recordkeeping requirements.

Accordingly, 24 part 103 is amended as follows:

PART 103—FAIR HOUSING—COMPLAINT PROCESSING

1. The authority citation for 24 CFR part 103 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3600-3619.

2. Revise § 103.10 to read as follows:

§ 103.10 What can I do if I believe someone is discriminating against me in the sale, rental, finance, or advertisement of housing?

You can notify HUD if you believe there has been discrimination against you in any activity related to housing because of race, color, religion, national origin, sex, disability, or the presence of children under the age of 18 in a household.

3. Revise § 103.15 to read as follows:

§ 103.15 Can I file a claim if the discrimination has not yet occurred?

Yes, you may file a claim with HUD if you have knowledge that a discriminatory action is about to occur.

4. Revise § 103.20 to read as follows:

§ 103.20 Can someone help me with filing a claim?

HUD's Office of Fair Housing and Equal Opportunity can help you in filing a claim, if you contact them directly. You, or anyone who acts for you, may also ask any HUD office or an organization, individual, or attorney to help you.

5. Revise § 103.25 to read as follows:

§ 103.25 What information should I provide to HUD?

You should provide us with:

- (a) Your name, address, and telephone numbers where you can be reached;
- (b) The name and address of the persons, businesses, or organizations you believe discriminated against you;
- (c) If there is a specific property involved, you should provide the

property's address and physical description, such as apartment, condominium, house, or vacant lot; and

(d) A brief description of how you were discriminated against in an activity related to housing. You should include in this description the date when the discrimination happened and why you believe the discrimination occurred because of race, color, religion, national origin, sex, disability, or the presence of children under the age of 18 in a household.

6. Revise § 103.30 to read as follows:

§ 103.30 How should I bring a claim that I am the victim of discrimination?

(a) You can file a claim by mail or telephone with any of HUD's Offices of Fair Housing and Equal Opportunity or with any State or local agency that HUD has certified to receive complaints.

(b) You can call or go to any other HUD office for help in filing a claim. These offices will send your claim to HUD's Office of Fair Housing and Equal Opportunity, which will contact you about the filing of your complaint.

7. Add § 103.35 to read as follows:

§ 103.35 Is there a time limit on when I can file?

Yes, you must notify us within one year that you are a victim of discrimination. If you indicate that there is more than one act of discrimination, or that the discrimination is continuing, we must receive your information within one year of the last incident of discrimination.

8. Revise § 103.40 to read as follows:

§ 103.40 Can I change my complaint after it is filed?

(a) Yes, you may change your fair housing complaint:

(1) At any time to add or remove people according to the law and the facts; or

(2) To correct other items, such as to add additional information found during the investigation of the complaint.

(b) You must approve any change to your complaint; we will consider the changes made as of the date of your original complaint.

§ 103.42 [Removed]

9. Remove § 103.42.

§§ 103.45, 103.50, 103.55 [Redesignated]

10. Redesignate §§ 103.45, 103.50, and 103.55 as §§ 103.201, 103.202, and 103.203, respectively, and transfer to subpart D.

11. Revise newly redesignated § 103.202(b) to read as follows:

**§ 103.202 Notification of respondent;
joinder of additional or substitute
respondents.**

* * * * *

(b) The Assistant Secretary will also serve notice on any person who directs or controls, or who has the right to direct or control, the conduct of another person who is involved in a fair housing complaint.

12. Add § 103.204 to read as follows:

§ 103.204 HUD complaints and compliance reviews.

(a) The Assistant Secretary may conduct an investigation and file a

complaint under this subpart based on information that one or more discriminatory housing practices has occurred, or is about to occur.

(b) HUD may also initiate compliance reviews under other appropriate civil rights authorities, such as E.O. 11063 on Equal Opportunity in Housing, 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 or the Age Discrimination Act of 1975.

(c) HUD may also make the information you provide available to

other Federal, State, or local agencies having an interest in the matter. In making such information available, HUD will take steps to protect the confidentiality of any informant or complainant when desired by the informant or complainant.

Dated: March 2, 1999.

Eva M. Plaza,

*Assistant Secretary for Fair Housing and
Equal Opportunity.*

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