

§ 110.30

- In advertising the sale or rental of housing.
- In the financing of housing.
- In the appraisal of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

Anyone who feels he or she has been discriminated against should send a complaint to:

U.S. Department of Housing and Urban Development, Assistant Secretary for Fair Housing and Equal Opportunity, Washington, DC 20410

or

HUD Region or [Area Office stamp]

(b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

[37 FR 3429, Feb. 16, 1972, as amended at 40 FR 20079, May 8, 1975; 54 FR 3311, Jan. 23, 1989]

Subpart C—Enforcement

§ 110.30 Effect of failure to display poster.

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice.

[37 FR 3429, Feb. 16, 1972]

PART 115—CERTIFICATION AND FUNDING OF STATE AND LOCAL FAIR HOUSING ENFORCEMENT AGENCIES

Subpart A—General

Sec.

- 115.100 Definitions.
- 115.101 Program administration.
- 115.102 Public notices.

24 CFR Subtitle B, Ch. I (4–1–12 Edition)

Subpart B—Certification of Substantially Equivalent Agencies

- 115.200 Purpose.
- 115.201 The two phases of substantial equivalency certification.
- 115.202 Request for interim certification.
- 115.203 Interim certification procedures.
- 115.204 Criteria for adequacy of law.
- 115.205 Certification procedures.
- 115.206 Performance assessments; Performance standards.
- 115.207 Consequences of interim certification and certification.
- 115.208 Procedures for renewal of certification.
- 115.209 Technical assistance.
- 115.210 Performance deficiency procedures; Suspension; Withdrawal.
- 115.211 Changes limiting effectiveness of agency's law; Corrective actions; Suspension; Withdrawal; Consequences of repeal; Changes not limiting effectiveness.
- 115.212 Request after withdrawal.

Subpart C—Fair Housing Assistance Program

- 115.300 Purpose.
- 115.301 Agency eligibility criteria; Funding availability.
- 115.302 Capacity building funds.
- 115.303 Eligible activities for capacity building funds.
- 115.304 Agencies eligible for contributions funds.
- 115.305 Special enforcement effort (SEE) funds.
- 115.306 Training funds.
- 115.307 Requirements for participation in the FHAP; Corrective and remedial action for failing to comply with requirements.
- 115.308 Reporting and recordkeeping requirements.
- 115.309 Subcontracting under the FHAP.
- 115.310 FHAP and the First Amendment.
- 115.311 Testing.

AUTHORITY: 42 U.S.C. 3601–19; 42 U.S.C. 3535(d).

SOURCE: 72 FR 19074, Apr. 16, 2007, unless otherwise noted.

Subpart A—General

§ 115.100 Definitions.

(a) The terms “Fair Housing Act,” “HUD,” and “the Department,” as used in this part, are defined in 24 CFR 5.100.

(b) The terms “aggrieved person,” “complainant,” “conciliation,” “conciliation agreement,” “discriminatory

housing practice,” “dwelling,” “handicap,” “person,” “respondent,” “secretary,” and “state,” as used in this part, are defined in Section 802 of the Fair Housing Act (42 U.S.C. 3602).

(c) *Other definitions.* The following definitions also apply to this part:

Act means the Fair Housing Act, as defined in 24 CFR 5.100.

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

Certified agency is an agency that has been granted certification by the Assistant Secretary in accordance with the requirements of this part.

Cooperative agreement is the instrument HUD will use to provide funds. The Cooperative Agreement includes attachments and/or appendices establishing requirements relating to the operation and performance of the agency.

Cooperative agreement officer (CAO) is the administrator of the funds awarded pursuant to this part and is a regional director of the Office of Fair Housing and Equal Opportunity.

Dual-filed complaint means a housing discrimination complaint that has been filed with both HUD and the agency that has been granted interim certification or certification by the Assistant Secretary.

FHAP means the Fair Housing Assistance Program.

FHEO means HUD’s Office of Fair Housing and Equal Opportunity.

FHEO regional director means a regional director of the Office of Fair Housing and Equal Opportunity.

Fair housing law or *Law* refers to both state fair housing laws and local fair housing laws.

Final administrative disposition means an agency’s completion of a case following a reasonable cause finding, including, but not limited to, an agency-approved settlement or a final, administrative decision issued by commissioners, hearing officers or administrative law judges. Final administrative disposition does not include dispositions in judicial proceedings resulting from election or appeal.

Government Technical Monitor (GTM) means the HUD staff person who has been designated to provide technical

and financial oversight and evaluation of the FHAP grantee’s performance.

Government Technical Representative (GTR) means the HUD staff person who is responsible for the technical administration of the FHAP grant, the evaluation of performance under the FHAP grant, the acceptance of technical reports or projects, the approval of payments, and other such specific responsibilities as may be stipulated in the FHAP grant.

Impracticable, as used in this part, is when complaint processing is delayed by circumstances beyond the control of the interim or certified agency. Those situations include, but are not limited to, complaints involving complex issues requiring extensive investigations, complaints involving new and complicated areas of law that need to be analyzed, and where a witness is discovered late in the investigation and needs to be interviewed.

Interim agency is an agency that has been granted interim certification by the Assistant Secretary.

Ordinance, as used in this part, means a law enacted by the legislative body of a municipality.

Statute, as used in this part, means a law enacted by the legislative body of a state.

Testing refers to the use of an individual or individuals (“testers”) who, without a bona fide intent to rent or purchase a house, apartment, or other dwelling, pose as prospective renters or purchasers for the purpose of gathering information that may indicate whether a housing provider is complying with fair housing laws.

§ 115.101 Program administration.

(a) *Authority and responsibility.* The Secretary has delegated the authority and responsibility for administering this part to the Assistant Secretary.

(b) *Delegation of Authority.* The Assistant Secretary retains the right to make final decisions concerning the granting and withdrawal of substantial equivalency interim certification and certification. The Assistant Secretary delegates the authority and responsibility for administering the remainder