



United Community Action Partnership, Inc.  
1400 S. Saratoga St.  
Marshall, MN 56258  
Phone: 507- 537-1416  
Fax: 507-537-1849  
www.unitedcapmn.org

## **Redwood Falls Small Cities Development Program Commercial Rehabilitation Fact Sheet**

The City of Redwood Falls has received grant funds to provide commercial rehabilitation loans to 7 commercial property owners within the SCDP commercial target area in Redwood Falls.

The funds are to be used by target area business owners to make repairs to their buildings.

Funding is in the form of a combination of 0% deferred loan in proportion of total cost:

70% - 0% deferred loan 7-year term – forgiven 1/7<sup>th</sup> per year

10% - 1% loan that has at least \$1,000 of principal paid back each year of the loan term

20% - owner match (matching funds)

**A deferred loan is a loan with no monthly payments, which will be forgiven 1/7<sup>th</sup> per year and will revert into a grant if the property does not change ownership within 7 (seven) full years.**

**The average Commercial Repair Loan amount is \$36,000.**

### **Eligibility Requirements**

- The property owner is the applicant with no income restrictions.
- The building must be eligible under a slum and blight designation.
- Interior repairs are limited to ADA specifically designated code violations, but do count toward mandatory matching requirements.
- Work is governed by Davis Bacon and Related Acts.

### **Eligible/Ineligible Improvements**

**Commercial SCDP loan funds can be used for the following specific improvements:**

- Exterior Renovations
- Structural Repairs
- Mechanical Repairs/Replacements
- Electrical System Repairs
- Windows/Doors
- Accessibility Modifications
- Signage and Awnings
- Energy Improvements

**Commercial loan funds must be used for:**

- ✓ Fire Code and National Electrical Code violations affecting health and safety.
- ✓ Uniform Plumbing Code and Mechanical Code violations affecting health and safety.
- ✓ Modifications to make the building accessible to handicapped persons (ADA) if possible.
- ✓ Historic Renovation: if the Minnesota Historical Society has determined structure historically significant, the Minnesota Historical Society must review plans for exterior improvements to the structure. MHS mandated repairs are a priority.

**Commercial SCDP loan funds cannot be used for:**

- Interior repairs that are not related to an eligible repair.
- Interior electrical fixtures and receptacles not related to energy efficiency.
- Plumbing fixtures not related to accessibility modifications.
- Air conditioning.
- Structure modifications/additions.
- Interior shelving.
- Floor covering.

**SCDP Ineligible improvements can be owner financed and do count towards the match requirements. Any improvements made before the date of United Community Action Partnership, Inc.'s (UCAP) inspection are NOT eligible for reimbursement of funds.**

## **The Commercial Rehabilitation Process**

All commercial owners will be served on a first-come, first-served basis. Property owners that filled out an interest survey as part of the grant application process will have a 60 day period to apply before other property owners that did not fill out the survey. The Housing Staff at UCAP will assist persons applying for the program. The program will follow the guidelines as laid below:

**Application** – The applicant will need to complete an application for the program that requires proof of property ownership, verification of property insurance, verification of current property taxes and verification of match fund.

**Property Inspection** – The property will be inspected by UCAP, who will assist identifying building problems. UCAP will work with the applicant to determine what repairs should be done.

**Work Write-Up** – The housing inspector will develop specifications on what work is to be done and how the work should be done. The inspector works with the owner to procure contractors of their choice.

**Bid Awards** – The owner accepts or rejects bids.

**Repayment Agreement** – The owner enters into an agreement with the City on the conditions of the loan. There is a three day Right of Rescission.

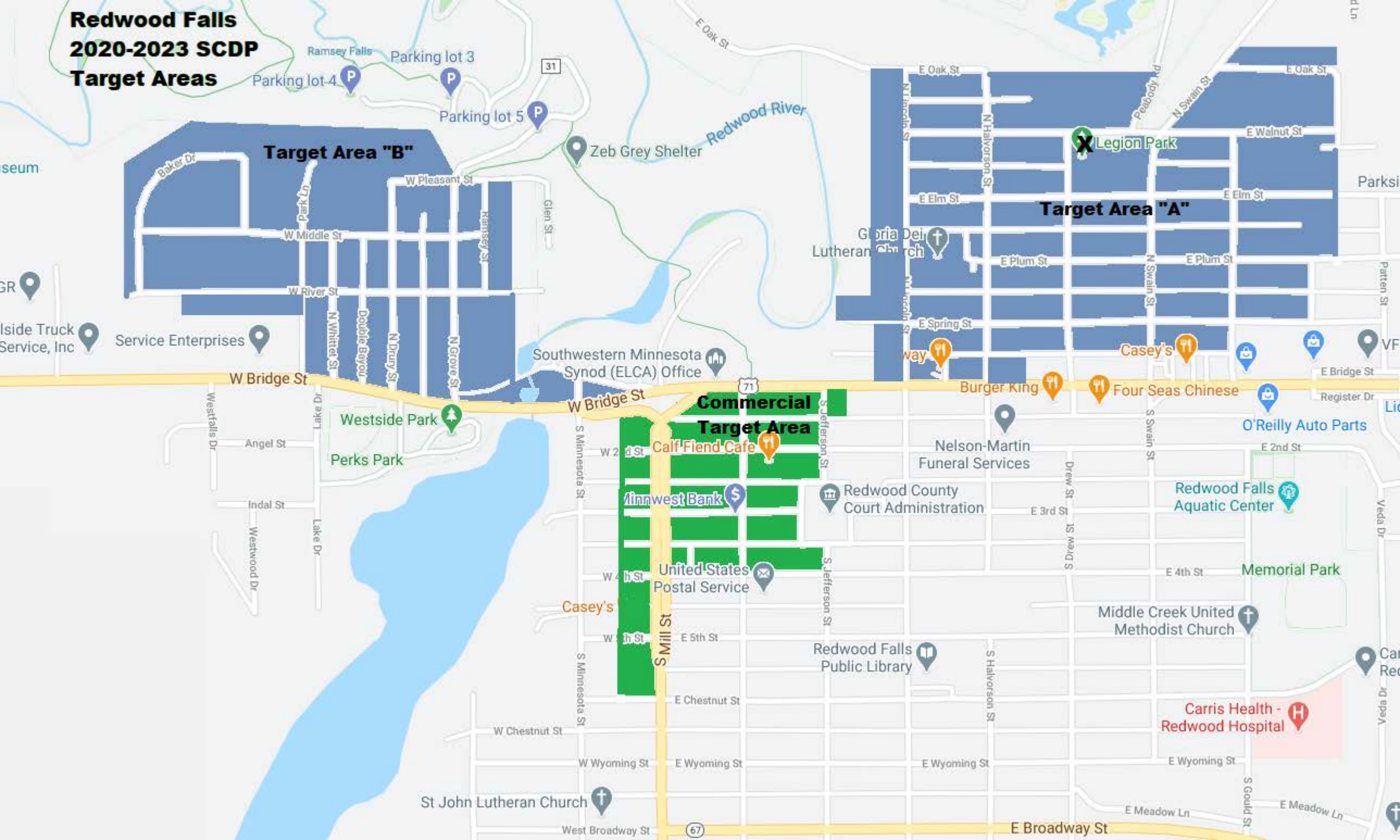
**Proceed to Work & Pre-Construction Meeting** – The inspector sends a letter notifying the contractor that the work may begin at the owner's property. Prior to work beginning, a pre-construction meeting must be held to discuss federal requirements.

**Payments** – Partial payments can be made on a project when the work being requested to be paid for has been completed. Only 1 partial payment per project is allowed. In order to receive payment, the Contractor must submit a lien waiver, a billing statement, a signed completion certificate and Davis Bacon paperwork (all furnished). In order to make payment, the housing inspector must inspect the property.

**Project Completion** – Upon completion, the repayment agreement is filed at the County Recorder's office.



# Redwood Falls 2020-2023 SCDP Target Areas



# Commercial SCDP Required Documentation Checklist

## Application Forms:

- Small Cities Development Program Commercial Application
- Rehabilitation Loan Programs Acknowledgement Form
- What to Expect from the Commercial Rehabilitation Program
- Walk Away Policy
- Privacy Notice

## Property Information:

- Recorded Warranty Deed**  
-**NOT** the abstract. Obtain from County Recorder  
(If Contract for Deed please contact our office for additional forms)
- Property Liability **Insurance - Declaration Page**  
(Lists owners' name and address, policy number and policy period)
- Most recent Monthly Mortgage Statement, showing current balance  
-if applicable
- Most recent Real Estate tax statement

Please provide all of the above required documents along with your application or you may be denied for insufficient information. This grant is processed on a first-come, first-served basis. Your application will be completed as we receive all required documents, you are deemed eligible, we have open slots, and there are remaining funds.

**Please return all forms to:**  
United Community Action Partnership, Inc.  
1400 S. Saratoga St.  
Marshall, MN 56258  
Ph: 507-537-1416  
Fax: 507-537-1849

United Community Action Partnership, Inc. is an equal opportunity provider.



## SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL APPLICATION

<b>Full Name of Applicant (Last, First, M.I.)</b>		<b>Full Name of Co-Applicant (Last, First, M.I.)</b>		
<b>Social Security Number</b>	<b>DOB (mm/dd/yy)</b>	<b>Social Security Number of Co-Applicant</b>	<b>DOB (mm/dd/yy)</b>	
<b>Marital Status:</b> <input type="checkbox"/> Married, spouse's name _____ <input type="checkbox"/> Separated <input type="checkbox"/> Not Married (S, D, W)		<b>Marital Status:</b> <input type="checkbox"/> Married, spouse's name _____ <input type="checkbox"/> Separated <input type="checkbox"/> Not Married (S, D, W)		
<b>Name of Business</b>		<b>Partnership or Corporation Name (if owner of building)</b>		
<b>Business DUNS*</b>		<b>Federal ID #</b>		
<b>Business Street Address</b>	<b>PO Box</b>	<b>City</b>	<b>Zip</b>	<b>County</b>
<b>Mailing Address (if different):</b>				
<b>Contact Phone Number</b>	<b>PM AM</b>	<b>Alternate Phone Number</b>	<b>PM AM</b>	
<b>Email address:</b>				
<b>Best contact method and time: Phone or Email</b>		<b>Time: _____</b>		
<p>The information solicited on this application is requested by the grantee in order to assure the Federal Government, acting through the Rural Development, the Federal law prohibiting discrimination against applicants on the basis of race, color, national origin, religion, sex, familial status, age, and handicap are being complied with. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. However, if you choose not to furnish it, the grantee is required to note the race/national origin and sex of the individual on the basis of visual observation or surname.</p> <p>The following information is requested solely for the purpose of determining compliance with Federal Civil Rights Law. Your response will not affect consideration of your application.</p>				
<b>Applicant</b>		<b>Co-Applicant</b>		
<b>Ethnicity: (Select One)</b>		<b>Ethnicity: (Select One)</b>		
<input type="checkbox"/> Hispanic or Latino		<input type="checkbox"/> Hispanic or Latino		
<input type="checkbox"/> Not Hispanic or Latino		<input type="checkbox"/> Not Hispanic or Latino		
<b>Race: (Select one or more)</b>		<b>Race: (Select one or more)</b>		
<input type="checkbox"/> American Indian or Alaska Native		<input type="checkbox"/> American Indian or Alaska Native		
<input type="checkbox"/> Asian		<input type="checkbox"/> Asian		
<input type="checkbox"/> Black or African American		<input type="checkbox"/> Black or African American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		<input type="checkbox"/> White		

\*You can obtain your business DUNS number by calling 1-866-705-5711 or visiting <http://fedgov.dnb.com/webform/>  
This is required for SCDP funding.

**Property Information:**

(to be eligible for funds, your property must be permanently attached by way of foundation to land that you own and be taxed as real property and address)

Are there any rental units in your commercial property? \_\_\_\_\_

Property Year Built \_\_\_\_\_

The Real Estate Taxes are current? Yes or No

Current Business Insurance carrier: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Is the Property within 300 feet of a railroad? Yes or No

Is the property within 100 feet of a major Highway? Yes or No

Is the property located within a Floodway, river or stream? Yes or No

If yes, Flood Insurance Carrier: \_\_\_\_\_

**Ownership Information:**

Do you have an outstanding mortgage on the property Yes or No If yes, what is the outstanding balance? \$ \_\_\_\_\_

Is property being purchased on a Contract for Deed? Yes\* or No **Contract for Deeds have no descending forgiveness**

If yes, is there a balloon payment? Yes or No When? \_\_\_\_\_ Amount of the balloon payment? \_\_\_\_\_

If purchasing on Contract for Deed, Name and address of seller: \_\_\_\_\_

\*If Contract for Deed contact us for additional application forms to be completed.

**Credit Information:**

Are there any outstanding judgments or liens against any of you? \_\_\_ Yes \_\_\_ No

Have any of you been declared or are declaring bankruptcy in the last 36 months? \_\_\_ Yes \_\_\_ No

Have any of you had any property foreclosed upon or given title or deed in lieu therefore? \_\_\_ Yes \_\_\_ No

**Mortgage Information (All debts secured by the business)**

To whom Indebted to:	Name of Mortgage Company	Date Incurred	Original Amount	Present Balance	Monthly Payment	Mortgage Status (Current/delinquent)	Financing Terms (% , term fixed or adjustable)
First Mortgage							
Second Mortgage							
Contract for Deed							
Other Debts secured by Business							
Total Monthly Payment Secured by Business							



**Conflict of Interest**

Have you or any member of your household been (during the last 12 months) an employee, consultant, officer, elected official, or appointed Official of this City, State of Minnesota, or United Community Action Partnership?  Yes  No

Or, do you or have you had immediate family ties or a business relationship with any of the above named persons?  Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

Note: If a conflict exists, it may be possible for the grantee and its agents to request an exception to the conflict from the funding agency.

**Matching Funds Statement:**

\_\_\_\_\_  
\_\_\_\_\_

**Proposed Improvements / Accessibility Issues / Needed Repairs:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/we certify that the information provided in this application and all information provided to United Community Action Partnership, Inc. is true and correct as of the date set forth opposite of my/our signature(s) on this application and understand that intentional misrepresentation of the information may result in disqualification of rehabilitation assistance or civil liability. I/we authorize United Community Action to share the information collected in this application and in any appointments with either housing professionals, funders, potential lenders and other reputable organizations related to the project.

\_\_\_\_\_  
Applicant #1

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant #2

\_\_\_\_\_  
Date

FOR ADMINISTRATIVE USE ONLY

I hereby certify that the above applicant has met the income, credit, equity and ownership requirements for the SCDP Loan Program:

\_\_\_\_\_  
Certifying Coordinator Signature

\_\_\_\_\_  
Date



**EQUAL HOUSING OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair Housing Law**

(The Fair Housing Amendments Act of 1988)

**COMMERCIAL REHABILITATION LOAN PROGRAM  
Acknowledgement Form**

Client  
Initials

**Lien Verification**

\_\_\_\_ \_\_\_\_ I (we) certify that there are no past due assessments, public debts, or tax liens on my property. I also certify that, if applicable, I am current with any mortgage payments and that my property is not the subject of a pending mortgage foreclosure. Finally, I certify that I have homeowners' insurance that would be an adequate amount to provide collateral for this Rehabilitation Loan program.

**Picture Release**

\_\_\_\_ \_\_\_\_ I (we) give authorization for digital pictures or photos of my home to be taken by United Community Action Partnership, Inc. These may be used in publications or displays. I authorize pictures of my house to be used in the Annual Report.

**Fair Housing Certification**

\_\_\_\_ \_\_\_\_ I (we) have received information on the Fair Housing Civil Right Act of 1988.

**Non-Discrimination Notice**

\_\_\_\_ \_\_\_\_ I (we) am (are) aware that UCAP is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability, in accordance with Federal law and U.S. Department of Agriculture policy .

**I (we) have read and understood all of the statements initialed above:**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date





Helping People. Changing Lives.

## WHAT TO EXPECT AND WHAT NOT TO EXPECT FROM THE COMMERCIAL REHABILITATION PROGRAM

### Things that Property Owners Do in the Commercial Rehabilitation Program

The Housing Program Staff will help business owners during the improvement process, but Property Owners are responsible for making the choices and doing the work listed below.

1. Property Owners provide the program staff with necessary information promptly.
2. Property Owners, not the program staff, choose contractors to put together bids.
3. Property Owners, not the program staff, select the contractor to do the work on the property.
4. Property Owners sign improvement contracts with the selected contractor.
5. Property Owners request and approve payments to their contractors.
6. Property Owners are part of inspecting and approving work performed by their contractors.
7. Property Owners work with contractors to settle disagreements during the job.
8. Property Owners contact their contractors to ask them to correct problems covered by contractor warranties during the first two years after the job has been completed.

### Things You Should Think About Before Taking out a Rehabilitation Loan

1. Not all the work that applicants want to be done can always be done with program funds. SCDP funds can only be used for exterior and code violation corrections.
2. Don't expect the property to be completely new after the work is done.
3. It can be stressful working in a property while a contractor is performing the work.
4. Very few times in life is anyone completely satisfied with things they buy or have repaired. Having a property repaired is no different.
5. Finally, the program staff is not the contractor and cannot guarantee that Property Owners will be satisfied with the work done by the contractors.

\_\_\_\_\_  
Property Owner's Signature Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Signature Date

\_\_\_\_\_  
Date

## Rehabilitation Loan Program Walk Away Policy

This walk-away policy will be instituted by United Community Action staff for one or more of the following reasons.

1. When it is determined that the unit is not suitable for rehabilitation.
2. If a property is offered for bid on two separate occasions and no financially acceptable bid is received, or if the Housing Rehab Coordinator confirms that the property cannot feasibly be rehabilitated to HQS and lead based paint standards, within the maximum allowable funding level.
3. If the property to be inspected or rehabilitated is in an "unkempt" state which could present health or safety hazards to United Community Action personnel or a Rehabilitation Contractor who would be performing the work, the property owner will be notified in writing and given **30 (thirty) days** to bring the property up to an acceptable standard of cleanliness as determined by the Rehabilitation Coordinator.
  - o "Unkempt" may include, but would not be limited to, unsanitary conditions, the presence of general clutter or undisposed household garbage, either inside or outside of the property to be rehabilitated.
4. If it becomes apparent that the property owner, or tenants in the case of rental rehabilitation, at any phase of the project are not willing to comply or accept standard practices of the rehabilitation program that are outlined in the "What to Expect and What Not to Expect" information sheets provided.
5. If United Community Action Staff or the Rehabilitation Contractor decides that continued presence on the job site may constitute a liability to their company due to the owner, or tenants, personal behavior or threatening manner.

If any of the above listed problems persist, United Community Action, Inc. reserves the right to "walk-away" from that property and take no further action regarding its renovation. The property owner will be notified in writing within two weeks of the determination to "walk-away."

If the project is cancelled due to items number 3, 4 or 5, or if you choose to withdraw from the program after either the initial inspection or lead risk assessment/inspection has been conducted, a fee of \$500.00 per inspection, up to \$1,000.00, will be charged to the owner of the property if inspections have occurred. If you continue with the home repairs the costs of the initial inspection will be charged to the program and the cost of the lead testing will be part of the program costs or loan, depending on the program.

Payments shall be made to United Community Action no later than thirty (30) days following the action that requires the repayment. If such payment is not made within 30 days, collection proceedings will begin to recapture these funds.

Property Address: \_\_\_\_\_

Owner/Occupant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner/Occupant Signature: \_\_\_\_\_

Date: \_\_\_\_\_



IMPORTANT PRIVACY NOTICE

**\*\* Read Before Completing the Application Form\*\***

We are asking that you provide the information on the application form to determine if you are eligible to participate in the program.

Your name, address and the amount of assistance you receive are considered public data under the Minnesota Data Practices Act. Other information that you provide to the housing rehabilitation program about you and your household is considered private data.

We will use your private data only when it is required for administration and management of the program. Persons or agencies with whom this information may be shared include:

- Staff and other persons involved in program administration.
- Local loan committee members who approve applications.
- Auditors who perform required audits of this program.
- Authorized personnel from the Minnesota Dept. of Employment and Economic Development, the U.S. Dept of Housing and Urban Development or other local, state and federal agencies providing funding assistance for your loan.
- Members of the local governing board for the purpose of addressing/resolving applicant complaints (as addressed in the project's policy and procedural manual).
- Those persons who you authorize to see it.
- Law enforcement personnel in the case of suspected fraud or other enforcement authorities as required.

We cannot release private data to anyone else or use private data in any other way unless you give us permission by completing a consent form that we will provide. Please keep in mind, however, that data must be released if required by court order, and in addition, your private data may be released if Congress or the Minnesota Legislature passes a new law that authorizes or requires such release of data.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
Date

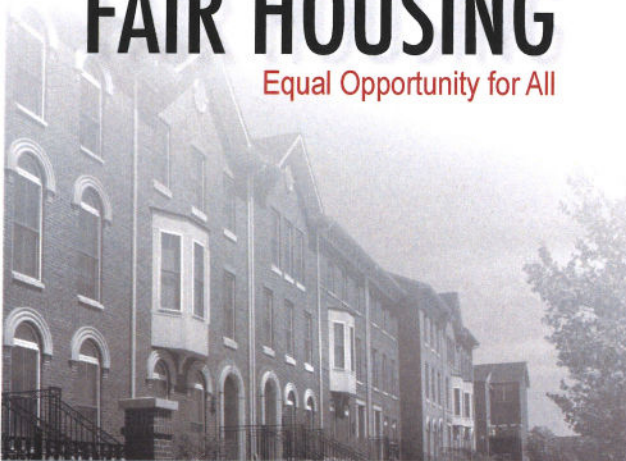
Minnesota law gives you important rights in regard to information maintained about you. These include:

- The right to see and obtain copies of the data maintained on you,
- Be told the contents and meaning of the data, and
- Challenge the accuracy and completeness of the data.

To learn more about these rights, contact Jeff Gladis at 1-800-658-2448.

# FAIR HOUSING

Equal Opportunity for All



U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity



Please visit our website: [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)



## FAIR HOUSING – EQUAL OPPORTUNITY FOR ALL

America, in every way, represents equality of opportunity for all persons. The rich diversity of its citizens and the spirit of unity that binds us all symbolize the principles of freedom and justice upon which this nation was founded. That is why it is extremely disturbing when new immigrants, minorities, families with children, and persons with disabilities are denied the housing of their choice because of illegal discrimination.

The Department of Housing and Urban Development (HUD) enforces the Fair Housing Act, which prohibits discrimination and the intimidation of people in their homes, apartment buildings, and condominium developments – in nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans.

Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing providers who refuse to rent or sell homes to people based on race, color, national origin, religion, sex, familial status, or disability are violating federal law, and HUD will vigorously pursue enforcement actions against them.

Housing discrimination is not only illegal, it contradicts in every way the principles of freedom and opportunity we treasure as Americans. HUD is committed to ensuring that everyone is treated equally when searching for a place to call home.

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U.S. Department of Housing and Urban Development (HUD)  
451 7<sup>th</sup> Street, S.W., Washington, D.C. 20410-2000

### THE FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in housing because of:

- Race or color
- National Origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Disability

### WHAT HOUSING IS COVERED?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

### WHAT IS PROHIBITED?

**In the Sale and Rental of Housing:** No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Otherwise deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental

- For profit, persuade, or try to persuade homeowners to sell or rent dwellings by suggesting that people of a particular race, etc. have moved, or are about to move into the neighborhood (blockbusting) or
- Deny any person access to, membership or participation in, any organization, facility or service (such as a multiple listing service) related to the sale or rental of dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

**In Mortgage Lending:** No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.
- In addition, it is a violation of the Fair Housing Act to:
  - Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right
  - Make, print, or publish any statement, in connection with the sale or rental of a dwelling, which indicates a preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act
  - Refuse to provide homeowners insurance coverage for a dwelling because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling
  - Discriminate in the terms or conditions of homeowners insurance coverage because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling



- Refuse to provide available information on the full range of homeowners insurance coverage options available because of the race, etc. of the owner and/or occupants of a dwelling
- Make print or publish any statement, in connection with the provision of homeowners insurance coverage, that indicates a preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin.

#### ADDITIONAL PROTECTION IF YOU HAVE A DISABILITY

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, cancer, chronic mental illness, HIV/AIDS, or mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability, a housing provider may not:
  - Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if it may be necessary for you to fully use the housing. (Where reasonable, a landlord may permit changes only if you agree to restore the property to its original condition when you move.)
  - Refuse to make reasonable accommodations in rules, policies, practices or services if it may be necessary for you to use the housing on an equal basis with nondisabled persons.

**Example:** A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

**Example:** An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if it may be necessary to assure that she can have access to her apartment.

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However, the Fair Housing Act does not protect a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

#### Accessibility Requirements for New Multifamily Buildings: In buildings with four or more units that were first occupied after March 13, 1991, and that have an elevator:

- Public and common use areas must be accessible to persons with disabilities
- All doors and hallways must be wide enough for wheelchairs
- All units must have:
  - An accessible route into and through the unit
  - Accessible light switches, electrical outlets, thermostats and other environmental controls
  - Reinforced bathroom walls to allow later installation of grab bars and
  - Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and was first occupied after March 13, 1991, these standards apply to ground floor units only.

These accessibility requirements for new multifamily buildings do not replace more stringent accessibility standards required under State or local law.

#### HOUSING PROTECTION FOR FAMILIES WITH CHILDREN

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The Fair Housing Act makes it unlawful to discriminate against a person whose household includes one or more children who are under 18 years of age (familial status). Familial status protection covers households in which one or more minor children live with:

- A parent;
- A person who has legal custody (including guardianship) of a minor child or children; or
- The designee of a parent or legal custodian, with the written permission of the parent or legal custodian.

Familial status protection also extends to pregnant women and any person in the process of securing legal custody of a minor child (including adoptive or foster parents).

**The "Housing for Older Persons" Exemption:** The Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the "housing for older persons" exemption, a facility or community must prove that its housing is:

- Provided under any State or Federal program that HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
- Intended for, and solely occupied by persons 62 years of age or older; or
- Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements:

- at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and

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- the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
- the facility or community must comply with HUD's regulatory requirements for age verification of residents.

The "housing for older persons" exemption does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, you may file a complaint online, write a letter or telephone the HUD office nearest you. You have one year after the alleged discrimination occurred or ended to file a complaint with HUD, but you should file it as soon as possible.

#### IF YOU THINK YOUR RIGHTS HAVE BEEN VIOLATED

**What to Tell HUD:**

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation.

**Where to Write or Call:** File a complaint online, send a letter to the HUD office nearest you, or if you wish, you may call that office directly. Persons who are deaf or hard of hearing and use a TTY, may call those offices through the toll-free Federal Information Relay Service at 1-800-877-8339.

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont:

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**BOSTON REGIONAL OFFICE**

(Complaints\_office\_01@hud.gov)  
U.S. Department of Housing and Urban Development  
Thomas P. O'Neill Jr. Federal Building  
10 Causeway Street, Room 321  
Boston, MA 02222-1092  
Telephone (617) 994-8300 or 1-800-827-5005  
Fax (617) 565-7313 \* TTY (617) 565-5453

*For New Jersey, New York, Puerto Rico and the U.S. Virgin Islands:*

**NEW YORK REGIONAL OFFICE**

(Complaints\_office\_02@hud.gov)  
U.S. Department of Housing and Urban Development  
26 Federal Plaza, Room 3532  
New York, NY 10278-0068  
Telephone (212) 542-7519 or 1-800-496-4294  
Fax (212) 264-9829 \* TTY (212) 264-0927

*For Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia:*

**PHILADELPHIA REGIONAL OFFICE**

(Complaints\_office\_03@hud.gov)  
U.S. Department of Housing and Urban Development  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-9344  
Telephone (215) 861-7646 or 1-888-799-2085  
Fax (215) 656-3449 \* TTY (215) 656-3450

*For Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:*

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**ATLANTA REGIONAL OFFICE**

(Complaints\_office\_04@hud.gov)  
U.S. Department of Housing and Urban Development  
Five Points Plaza  
40 Marietta Street, 16th Floor  
Atlanta, GA 30303-2808  
Telephone (404) 331-5140 or 1-800-440-8091 x2493  
Fax (404) 331-1021 \* TTY (404) 730-2654

*For Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin:*

**CHICAGO REGIONAL OFFICE**

(Complaints\_office\_05@hud.gov)  
U.S. Department of Housing and Urban Development  
Ralph H. Metcalfe Federal Building  
77 West Jackson Boulevard, Room 2101  
Chicago, IL 60604-3507  
Telephone 1-800-765-9372  
Fax (312) 886-2837 \* TTY (312) 353-7143

*For Arkansas, Louisiana, New Mexico, Oklahoma and Texas:*


**FORT WORTH REGIONAL OFFICE**

(Complaints\_office\_06@hud.gov)  
U.S. Department of Housing and Urban Development  
801 Cherry Street  
Suite 2500, Unit #45  
Fort Worth, TX 76102-6803  
Telephone (817) 978-5900 or 1-888-560-8913  
Fax (817) 978-5876/5851 \* TTY (817) 978-5595

*For Iowa, Kansas, Missouri and Nebraska:*

**KANSAS CITY REGIONAL OFFICE**

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(Complaints\_office\_07@hud.gov)  
U.S. Department of Housing and Urban Development  
Gateway Tower II  
400 State Avenue, Room 200, 4th Floor  
Kansas City, KS 66101-2406  
Telephone (913) 551-6958 or 1-800-743-5323  
Fax (913) 551-6856 \* TTY (913) 551-6972

*For Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming:*

**DENVER REGIONAL OFFICE**

(Complaints\_office\_08@hud.gov)  
U.S. Department of Housing and Urban Development  
1670 Broadway  
Denver, CO 80202-4801  
Telephone (303) 672-5437 or 1-800-877-7353  
Fax (303) 672-5026 \* TTY (303) 672-5248

*For Arizona, California, Hawaii and Nevada:*

**SAN FRANCISCO REGIONAL OFFICE**

(Complaints\_office\_09@hud.gov)  
U.S. Department of Housing and Urban Development  
600 Harrison Street, Third Floor  
San Francisco, CA 94107-1387  
Telephone 1-800-347-3739  
Fax (415) 489-6558 \* TTY (415) 489-6564

*For Alaska, Idaho, Oregon and Washington:*

**SEATTLE REGIONAL OFFICE**

(Complaints\_office\_10@hud.gov)  
U.S. Department of Housing and Urban Development  
Seattle Federal Office Building  
909 First Avenue, Room 205  
Seattle, WA 98104-1000  
Telephone (206) 220-5170 or 1-800-877-0246  
Fax (206) 220-5447 \* TTY (206) 220-5185

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If after contacting the local office nearest you, you still have questions – you may contact HUD further at:

U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
451 7th Street, S.W., Room 5204  
Washington, DC 20410-2000  
Telephone 1-800-669-9777  
Fax (202) 708-1425 \* TTY 1-800-927-9275  
[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

**If You Are Disabled:** HUD also provides:

- A TTY phone for the deaf/hard of hearing users (see above list for the nearest HUD office)
- Interpreters, Tapes and Braille materials
- Assistance in reading and completing forms

**WHAT HAPPENS WHEN YOU FILE A COMPLAINT?**

HUD will notify you in writing when your complaint is accepted for filing under the Fair Housing Act. HUD also will:

- Notify the alleged violator (respondent) of the filing of your complaint, and allow the respondent time to submit a written answer to the complaint.
- Investigate your complaint, and determine whether or not there is reasonable cause to believe that the respondent violated the Fair Housing Act.
- Notify you and the respondent if HUD cannot complete its investigation within 100 days of filing your complaint, and provide reason for the delay.

**Fair Housing Act Conciliation:** During the complaint investigation, HUD is required to offer you and the respondent the opportunity to voluntarily resolve your complaint with a Conciliation Agreement.

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A Conciliation Agreement provides individual relief to you, and protects the public interest by deterring future discrimination by the respondent. Once you and the respondent sign a Conciliation Agreement, and HUD approves the Agreement, HUD will cease investigating your complaint. If you believe that the respondent has violated breached your Conciliation Agreement, you should promptly notify the HUD Office that investigated your complaint. If HUD determines that there is reasonable cause to believe that the respondent violated the Agreement, HUD will ask the U.S. Department of Justice to file suit against the respondent in Federal District Court to enforce the terms of the Agreement.

#### Complaint Referrals to State or Local Public Fair Housing Agencies:

If HUD has certified that your State or local public fair housing agency enforces a civil rights law or ordinance that provides rights, remedies and protections that are "substantially equivalent" to the Fair Housing Act, HUD must promptly refer your complaint to that agency for investigation, and must promptly notify you of the referral. The State or local agency will investigate your complaint under the "substantially equivalent" State or local civil rights law or ordinance. The State or local public fair housing agency must start investigating your complaint within 30 days of HUD's referral, or HUD may retrieve ("reactivate") the complaint for investigation under the Fair Housing Act.

#### WHAT HAPPENS IF I'M GOING TO LOSE MY HOUSING THROUGH EVICTION OR SALE?

If you need immediate help to stop or prevent a severe problem caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the U.S. Department of Justice to file a Motion in Federal District Court for a Temporary Restraining Order (TRO) against the respondent, followed by a Preliminary Injunction pending the outcome of HUD's investigation. A Federal Judge may grant a TRO or a Preliminary Injunction against a respondent in cases where:

- Irreparable (irreversible) harm or injury to housing rights is likely to occur without HUD's intervention; and
- There is substantial evidence that the respondent has violated the Fair Housing Act.

**Example:** An owner agrees to sell a house, but, after discovering that the buyers are black, pulls the house off the market, then promptly lists it for sale again. The buyers file a discrimination complaint with HUD. HUD may authorize the U.S. Department of Justice to seek an injunction in Federal District Court to prevent the owner from selling the house to anyone else until HUD investigates the complaint.

#### WHAT HAPPENS AFTER A COMPLAINT INVESTIGATION?

##### Determination of Reasonable Cause, Charge of Discrimination, and Election:

When your complaint investigation is complete, HUD will prepare a Final Investigative Report summarizing the evidence gathered during the investigation. If HUD determines that there is reasonable cause to believe that the respondent(s) discriminated against you, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination against the respondent(s). You and the respondent(s) have twenty (20) days after receiving notice of the Charge to decide whether to have your case heard by a HUD Administrative Law Judge (ALJ) or to have a civil trial in Federal District Court.

##### HUD Administrative Law Judge Hearing:

If neither you nor the respondent elects to have a Federal civil trial before the 20-day Election Period expires, HUD will promptly schedule a Hearing for your case before a HUD ALJ. The ALJ Hearing will be conducted in the locality where the discrimination allegedly occurred. During the ALJ Hearing, you and the respondent(s) have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses and to request subpoenas in aid of discovery of evidence. HUD attorneys will represent you during the ALJ Hearing at no cost to you; however, you may also

choose to intervene in the case and retain your own attorney. At the conclusion of the Hearing, the HUD ALJ will issue a Decision based on findings of fact and conclusions of law. If the HUD ALJ concludes that the respondent(s) violated the Fair Housing Act, the respondent(s) can be ordered to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay a civil penalty to HUD to vindicate the public interest. The maximum civil penalties are: \$16,000, for a first violation of the Act; \$37,500 if a previous violation has occurred within the preceding five-year period; and \$65,000 if two or more previous violations have occurred within the preceding seven-year period.

**Civil Trial in Federal District Court:** If either you or the respondent elects to have a Federal civil trial for your complaint, HUD must refer your case to the U.S. Department of Justice for enforcement. The U.S. Department of Justice will file a civil lawsuit on your behalf in the U.S. District Court in the district in which the discrimination allegedly occurred. You also may choose to intervene in the case and retain your own attorney. Either you or the respondent may request a jury trial, and you each have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses, and to request subpoenas in aid of discovery of evidence. If the Federal Court decides in your favor, a Judge or jury may order the respondent(s) to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay punitive damages to you.

**Determination of No Reasonable Cause and Dismissal:** If HUD finds that there is no reasonable cause to believe that the respondent(s) violated the Act, HUD will dismiss your complaint with a Determination of No Reasonable Cause. HUD will notify you and the respondent(s) of the dismissal by mail, and you may request a copy of the Final Investigative Report.

**Reconsiderations of No Reasonable Cause Determinations:** The Fair Housing Act provides no formal appeal process for complaints dismissed by HUD. However, if your complaint is dismissed with a Determination of No Reasonable Cause, you may submit a written request for a reconsideration review to: Director, FHEO Office of Enforcement, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 5206, Washington, DC 20410-2000.

#### IN ADDITION

**You May File a Private Lawsuit:** You may file a private civil lawsuit without first filing a complaint with HUD. You must file your lawsuit within two (2) years of the most recent date of alleged discriminatory action.

If you do file a complaint with HUD and even if HUD dismisses your complaint, the Fair Housing Act gives you the right to file a private civil lawsuit against the respondent(s) in Federal District Court. The time during which HUD was processing your complaint is not counted in the 2-year filing period. You must file your lawsuit at your own expense; however, if you cannot afford an attorney, the Court may appoint one for you.

Even if HUD is still processing your complaint, you may file a private civil lawsuit against the respondent, unless (1) you have already signed a HUD Conciliation Agreement to resolve your HUD complaint; or (2) a HUD Administrative Law Judge has commenced an Administrative Hearing for your complaint.



**Other Tools to Combat Housing Discrimination:**

- If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.
- The Attorney General may file a suit in Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.



**For Further Information**

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD Fair Housing Office nearest you. See the list of HUD Fair Housing Offices on pages 7-10.



**CONNECT WITH HUD**



Department of Housing and Urban Development  
Room 5204  
Washington, DC 20410-2000



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