

**How do I file a housing complaint with the UALD? Step One: Before you file, you should ask yourself the following three questions:**

First, is what I am complaining about illegal discrimination or just unfair treatment?

1. A general definition of housing discrimination is when a landlord refuses to rent or decides to terminate a tenancy or treats one tenant/home buyer differently than another because of that tenant's:
  - A. Race
  - B. Color
  - C. Sex
  - D. National origin
  - E. Religion
  - F. Familial status (having children under the age of 18 in your home)
  - G. Disability
  - H. Source of income (receiving state or federal financial assistance to help with your rent payment)
  - I. Sexual Orientation
  - J. Gender Identity
2. On the other hand, many landlords may fail or refuse to meet your requests for repairs, be unresponsive to small problems and generally treat their tenants badly and it may or may not be illegal.
3. The UALD can only take complaints of illegal housing discrimination. UALD advises persons who have been treated unfairly, but in a non-discriminatory manner, to seek other possible solutions. You may want to consult an attorney.

Second, is my housing unit covered by the Fair Housing Laws?

Generally, UALD can only enforce laws that prohibit housing discrimination by:

1. Landlords and owners of four or more housing units
2. Mortgage lenders
3. Insurance agencies
4. Realtors and management agencies
5. State and local governments, including housing authorities

Third, is my complaint timely?

In most situations, a complaint must be filed within 365 days of the date of the discrimination. UALD will investigate claims that are filed within 180 days of the discrimination. If the complaint is made between 181 days and 365 days, the UALD will process your paperwork and then send your case to the Department of Housing and Urban Development (HUD). Your case will then be investigated by HUD. You can contact HUD at:

Denver Regional Office  
1670 Broadway, 25<sup>th</sup> Floor  
Denver, CO 80202  
Phone: (303) 672-5440  
Fax: (303) 672-5004  
[Email: CO\\_Webmanager@hud.gov](mailto:CO_Webmanager@hud.gov)

It is not necessary to file a complaint with this Division in order to preserve your right to file a private lawsuit at a later date. The Fair Housing Laws allow you to take your complaint directly to court within two years of the discriminatory act. Please note: If you have any questions about

whether your claim may be covered, please call us to discuss your situation. We are more than happy to answer any questions you may have about your case. You may reach us at:

160 East 300 South, Third Floor  
Salt Lake City, UT 84114  
Phone: (801) 530-6801  
Toll Free: (800) 222-1238  
Fax: (801) 530-7609  
[Email: fh@utah.gov](mailto:fh@utah.gov)

We cannot predict how long it will take to process, resolve, or investigate your charge although most complaints are finished within 100 days or less. UALD does not charge a fee for its services.

You are not required to have an attorney in order to file a charge and if the Division finds cause to believe that housing discrimination has occurred, it may provide an attorney if the matter must go to court.

### **Step Two: The Initial Intake Interview:**

Contact the UALD by phone or in person at our offices to obtain the Intake Packet. You can also download an Intake Packet from our website. We are also happy to help you in completing the forms, should you need any assistance. Fill out the forms and be as specific as you can in responding to the questions in the Intake Packet. If you prefer, we can take your complaint over the phone or in person. Please contact us at (801) 530-6801 or toll-free at (800) 222-1238 to speak with a Housing Intake Specialist.

Provide copies of any relevant documentation (keep your originals) that you believe supports your claim. Examples of information relevant to your claim are:

- Lease agreements
- Requests for repairs
- Notices to vacate
- Eviction notices
- Documents supporting your request for a reasonable accommodation for a disability (such as your requests to keep a comfort animal, etc.)
- Medical records documenting your disability or limitations may all be relevant to your charge.
- Witnesses—Names of witnesses, address/phone numbers, and a brief description of the information they may be able to provide are also of assistance.

Your information will be reviewed by a Housing Intake Specialist to make sure that your complaint meets the requirements for filing with our office. You will be contacted if we need more information from you.

### **Step Three: Filing The Charge**

Based on the information you provide, the Housing Intake Specialist will create a formal Housing Discrimination Complaint Form for your review. You must review the Complaint carefully and contact the Intake Officer if there are any corrections. **DO NOT MARK THE COMPLAINT FORM.** The Housing Discrimination Complaint Form must be signed by you before a Notary.

- Notaries can be found in a bank or a library.
- The Division provides notary services free of charge, but you must be physically present with proof of your identity such as a driver's license or state-issued identification card.

### **Step Four: The Division receives your signed Housing Discrimination Complaint Form**

The Housing Discrimination Complaint Form will be assigned a case number and will be forwarded to the Department of Housing and Urban Development (HUD) for dual filing under applicable federal laws. Please note that you cannot file the same claim with both the Division and HUD. Within 10 days or less, both you and your housing provider (or “Respondent”) will receive a copy of the complaint by mail. You will also be given a date for a Resolutions Conference. The housing provider will also be requested to provide a response to your Housing Discrimination Complaint, and you will be asked to provide a rebuttal to that response.

#### **Step Five: The Resolutions Conference.**

- The Resolutions Conference is a voluntary opportunity to mediate your Housing Discrimination Complaint.
- The Resolutions Conference is informal and voluntary.
- The purpose of the Resolution Conference is to bring the parties together, with a mediator provided by UALD to facilitate communication between the parties who are in disagreement, and to see if the differences can be resolved before an investigation.
- The Resolutions Conference is not a hearing on the facts of the case, and the Mediator will not issue a decision on the merits of your case.
- Early resolution of the charge has many advantages, some of which include: minimizing the time, energy and expense which is often required to address a complaint of discrimination; better use of your resources; and allowing you and the employer to decide how a dispute will be resolved without a third party imposing a resolution.

How does the Resolutions Conference Work?

- Either party may decline to attend the Resolutions Conference, or may leave the Conference at any time. However, all parties are encouraged to make good faith attempts to try to resolve their differences.
- The Division requests that both parties bring all information that may support their positions. Witnesses may be used and affidavits (written notarized witness statements) can also be presented.
- All issues that reach resolution and all agreements made during the Conference are legal and binding after the Division Director has signed the agreement.
- If the Resolution Conference is successful, the case will be closed. If the Parties cannot resolve their issues during the Conference, the case is assigned to an Investigator for further processing.

For more information about our mediation program or the Resolutions Conference, please see our website.

#### **Step Six: The Investigation**

If the Resolutions Conference is not successful in settling your case, your case will be assigned for investigation. The investigator will conduct any fact-finding that is necessary to make a decision about the facts of your case. This may include:

- Requesting additional information from you
- Interviewing you
- Interviewing the housing provider
- Interviewing witnesses
- Doing an on-site inspection of the housing unit or complex
- Requesting documents (including lease agreement, repair logs, organizational charts, etc.) from the housing provider
- Requesting documents (including medical records, etc.) from you

#### **Step Seven: After the Investigation**

Once the investigation has been completed, a Final Investigative Report, Determination and Order will be issued by the Division Director to both the Charging Party and Respondent. The

Director will either:

- Issue a No Cause Finding. This means that the UALD has found that there is insufficient evidence to prove that a discriminatory act has occurred.

OR

- Issue a Preliminary Cause Finding. This finding means the UALD has found that a discriminatory act has occurred. After a Preliminary Cause Finding is issued UALD will contact you and the Respondent to schedule a Conciliation Conference. The purpose of the conference is to discuss the terms of your relief.

### **Step Eight: Appealing the Decision**

If you disagree with a No Cause Finding, you can:

- Request that the Director reconsider the dismissal. Your request must be made in writing within 20 days after the date that the Determination and Order and sent to the Division Director at:

Alison Adams-Perlac, Director  
Utah Antidiscrimination & Labor Division  
160 East 300 South, Third Floor  
PO Box 146630  
Salt Lake City, UT 84114-6630

You may also fax the request for reconsideration to Alison Adams-Perlac at (801) 530-7609. The request must state the specific grounds upon which you believe the Finding is wrong.

- You can file your claim in State or Federal District Court. You have up to two years after the discriminatory act to file in Court. The two years do not include the time your case was open at the Division. If you disagree with a Cause Finding, you can have the Determination reviewed by submitting a written request for a formal adjudicative hearing to the Director. This request must be in writing and received within 30 days of the date of the Determination and Order and sent to the Division Director at:

Alison Adams-Perlac, Director  
Utah Antidiscrimination & Labor Division  
160 East 300 South, Third Floor  
PO Box 146630  
Salt Lake City, UT 84114-6630

You may also fax the request for appeal to Alison Adams-Perlac at (801) 530- 7609.

If you file a timely request for review, any party may elect to have the review take place in a civil action in the District Court rather than in a formal administrative hearing. This is considered a “de novo” hearing. This means that the either the Administrative Law Judge or the Court will allow the parties to present all of their evidence “new” or without consideration of the Division’s findings. If the Director does not receive a timely request for review, the Determination becomes the final order of the Commission and is not subject to further agency action or direct judicial review. You may also choose to file a case in the State District Court or the Federal District Court. You have up to two years after the discriminatory act to file in Court. The two years do not include the time your case was open at the Division.

## **YOUR OPTIONS AT ANY POINT IN THE UALD PROCESS**

Both you and the housing provider may offer to try to mediate or settle the case at any time in the process. A mediator or investigator can assist with settlement discussions. You may withdraw your Complaint with the Division and file your case in State or Federal District Court.

- Either party can obtain legal counsel or other representation at any time. The Division must have written notice of representation before it will communicate with your representative.
- Both you and the housing provider are obligated to keep the Division informed of a current address and phone number. The Division may close your case if you cannot be located.
- The parties are also required to cooperate fully with the process. The Division may close your case if you do not cooperate with the investigation.

What happens if I file a complaint with the Division and I am fired or otherwise harassed because of my complaint?

- It is illegal for a housing provider to retaliate against a tenant because he or she has opposed any type of discriminatory treatment or because he or she has filed charges, testified, assisted or participated in any proceeding, investigation or hearing alleging discriminatory treatment protected by the law.
- This protection applies not only to the complaining tenant, but to all other witnesses who might participate in the investigatory process.
- This protection applies regardless of the validity of the complaining tenant's charge.

Persons needing reasonable accommodations, interpreters, or assistive devices due to a disability should contact the Division three days in advance of their appointment or hearing.