

**PART 180—CONSOLIDATED HUD
HEARING PROCEDURES FOR
CIVIL RIGHTS MATTERS**

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AUTHORITY: 29 U.S.C. 794; 42 U.S.C. 2000d-1 3535(d), 3601-3619; 5301-5320, and 6103.

SOURCE: 61 FR 52218, Oct. 4, 1996, unless otherwise noted.

Subpart A—General Information

§ 180.100 Definitions.

As used in this part:

(a) The terms *ALJ*, *Department*, *Fair Housing Act*, *General Counsel*, and *HUD* are defined in 24 CFR part 5, subpart A.

(b) The terms *Aggrieved Person*, *Assistant Secretary*, *Attorney General*, *Discriminatory Housing Practice*, *Person*, and *State* are defined in 24 CFR part 103, subpart A.

(c) Other terms used in this part are defined as follows:

Agency has the same meaning as *HUD*.

Applicant and *Application* have the meanings provided in 24 CFR 1.2 or 24 CFR 8.3, as applicable.

Charge means the statement of facts issued under 24 CFR 103.405 upon which HUD has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

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20024. Telephone numbers are (202) 708-5004 and FAX (202) 708-5014.

Complaint means a complaint filed under the statutes covered by this part.

Complainant means the person (including the Assistant Secretary) who filed a complaint under the statutes covered by this part.

Fair Housing Act matters refers to proceedings under this part pursuant to the Fair Housing Act and the implementing regulations at 24 CFR parts 100 and 103.

Federal financial assistance has the meaning provided in 24 CFR 1.2, 6.3, 8.3, or 146.7, as applicable.

Hearing means a trial-type proceeding that involves the submission of evidence, either by oral presentation or written submission, and briefs and oral arguments on the evidence and applicable law.

Intervenor is a person entitled by law or permitted by the ALJ to participate as a party.

Non-Fair Housing Act matters refers to proceedings under this part pursuant to:

(1) Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000d-1) and the implementing regulations at 24 CFR part 1;

(2) Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8;

(3) The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6103) and the implementing regulations at 24 CFR part 146; or

(4) Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301-5321) and the implementing regulations at 24 CFR part 6.

Notice of Proposed Adverse Action is the statement of facts issued pursuant to a non-Fair Housing Act matter upon which HUD has found reason to terminate or refuse to grant or continue Federal financial assistance.

Party is a person who has full participation rights in a proceeding under this part.

Prevailing party has the same meaning as the term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

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Recipient has the meaning provided in 24 CFR 1.2, 6.3, 8.3, or 146.7, as applicable.

Respondent means the person accused of violating one of the statutes covered by this part, including a recipient.

Secretary means the Secretary of HUD, or to the extent of any delegation of authority by the Secretary to act under any of the statutory authorities listed in §180.105(a), any other HUD official to whom the Secretary may hereafter delegate such authority.

[61 FR 52218, Oct. 4, 1996, as amended at 64 FR 3801, Jan. 25, 1999]

§ 180.105 Scope of rules.

(a) This part contains the rules of practice and procedure applicable to administrative proceedings before an ALJ under the following authorities:

(1) The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100 and 103, where no election to proceed in federal district court has been made;

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), and the implementing regulations at 24 CFR part 1;

(3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the implementing regulations at 24 CFR part 8;

(4) The Age Discrimination Act of 1975 (42 U.S.C. 6103), and the implementing regulations at 24 CFR part 146; and

(5) Section 109 of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301-5321) and implementing regulations at 24 CFR part 6.

(b) In the absence of a specific provision, the Federal Rules of Civil Procedure shall serve as a general guide.

(c) Hearings under this part shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

(d) Except to the extent that a waiver would otherwise be contrary to law, the ALJ may, after adequate notice to all interested persons, modify or waive any of the rules in this part upon a determination that no person will be prejudiced and that the ends of justice will be served.