

ATTACHMENT A: Criteria for Processing

The Criteria for Processing (Criteria) are the standards by which HUD determines whether a complaint, cognizable under the federal Fair Housing Act and processed by a substantially equivalent state or local agency, warrants reimbursement with Fair Housing Assistance Program (FHAP) funds. The Criteria establish, for each type of complaint closure, the minimum requirements for quality complaint processing and identify the documents that must be submitted to HUD. The Criteria are designed to assure the uniform, timely, and quality processing of housing discrimination complaints processed under substantially equivalent fair housing laws. If the Criteria are not met for a particular complaint, HUD may deny reimbursement, in whole or in part, for that complaint.

The Criteria are enumerated under major subheadings, most of which describe the type of closure, (e.g., cause, no cause, conciliation, etc.). Subheadings I through III set out criteria that apply to most complaints. Subheadings IV through VII set forth additional criteria specific to particular types of complaint closure. For example, to meet the criteria for an administrative closure, criteria under subheadings I (Complaint Filing), II (Notification), III (Cause and No Cause Determinations), VII (Administrative Closures) may need to be met.

Once HUD determines a complaint warrants reimbursement under the Criteria, the Standards for Timeliness (Attachment B) are used to identify the amount that HUD will reimburse the FHAP agency, based upon timeliness and complexity of the investigation.

Please note that all complaint-related documentation identified in the Criteria must be provided to HUD no later than 30 days after completion of complaint processing. Whenever possible, the complaint-related documentation must be submitted to HUD via the Title Eight Automated Paperless Office Tracking System (TEAPOTS). An agency's failure to utilize TEAPOTS and input all relevant data and information in TEAPOTS in a timely manner may jeopardize complaint processing reimbursement. (See complaint closure review forms that identify required TEAPOTS entries and appropriate payment deductions based on type of closure). HUD may also address the failure to utilize TEAPOTS through performance deficiency procedures including, but not necessarily limited to, technical assistance, performance improvement plan, and suspension. *See* 24 C.F.R. § 115.307(a)(3) and 24 C.F.R. § 115.210.

Finally, as an additional technical assistance tool, complaint closure review forms are attached. The forms combine the Criteria for Processing and the Standards for Timeliness into user-friendly checklists based on type of complaint closure.

I. Complaint Filing

A. Quality Requirements:

1. All complaints must be timely filed in accordance with the substantially equivalent state or local fair housing law.
2. All complaints must be in writing, signed by the complainant, and contain the following information:
 - a. The name and address of complainant;
 - b. The name and address of respondent(s);
 - c. If a specific property is involved, the property's address and physical description, such as apartment, condominium, house or vacant lot; and
 - d. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.
3. Where the agency determines that there is insufficient information in the complaint to commence an investigation, the agency must notify the complainant in writing by no later than the 5th day after receipt of the complaint and inform the complainant what information he or she must provide in order to commence an investigation, and identify a reasonable timeframe for submitting such information. The agency must notify the complainant that unless he or she provides the required information within the specified timeframe, the agency may dismiss the complaint.
4. The FHAP agency must permit complaints to be filed with the assistance of an authorized representative or organization of the complainant.
5. The FHAP agency must permit complaints to be reasonably and fairly amended at any time. Such amendments may include, but are not limited to: a) amendments to cure technical defects or omissions; b) clarification, amplifications, or amendments of allegations in a complaint; or c) joinder of additional or substitute respondents. The FHAP agency should consider amended complaints as having been made filed on the date the original complaint was filed.
6. HUD will not reimburse a FHAP agency for complaints deemed non-jurisdictional because of failure to meet more burdensome filing requirements than those imposed by the Act. For example, if a FHAP

agency requires complaints to be notarized, HUD will not reimburse the agency for a complaint not filed because the complainant did not get the complaint notarized. To preserve the rights of aggrieved persons, a FHAP agency must refer such complaints to HUD for investigation under the federal Fair Housing Act as soon as practicable and, where necessary, consent to their reactivation.

7. Pursuant to 24 CFR Section 115.210, and the March 7, 2001 memorandum entitled Limitations on Accepting as Dual-Filings FHAP Cases That Implicate First Amendment, HUD will not reimburse FHAP agencies for complaints that implicate the First Amendment of the U.S. Constitution. The FHAP agency must alert HUD to complaints that it receives that may implicate the First Amendment so that HUD may analyze the complaint and determine if reimbursement is appropriate.
8. Pursuant to a Memorandum of Understanding between HUD and the Internal Revenue Service, the FHAP agency must identify in TEAPOTS whether the property named in a complaint receives Low Income Housing Tax Credits. This is required for every complaint.
9. Pursuant to any special provisions in the Interim Agreement and/or Memorandum of Understanding between HUD and a FHAP agency, the FHAP agency must refer complaints to HUD regarding allegations that the agency receives involving a practice that is not prohibited by the substantially equivalent State or local law, but is prohibited by the federal Fair Housing Act.
10. If a housing discrimination complaint is filed against a recipient of federal financial assistance and therefore implicates civil rights laws that FHEO enforces other than the federal Fair Housing Act (multi-jurisdictional), the FHAP agency shall notify FHEO so that FHEO may process that portion of the complaint. Other civil rights laws enforced by FHEO include:
 - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (prohibiting discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance);
 - b. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (prohibiting discrimination based on disability in programs or activities receiving federal financial assistance);
 - c. Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. § 5309 (prohibiting discrimination on the basis of

race, color, national origin, religion or sex in any program or activity funded in whole or in part by the community development block grant programs);

- d. Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (prohibiting discrimination based on disability in programs, services and activities made available by public entities);
- e. Architectural Barriers Act, 42 U.S.C. § 4151 et seq. (providing that buildings, including publicly owned residences, designed constructed, leased or altered with certain federal funds must be accessible to persons with disabilities); and
- f. Age Discrimination Act of 1975, 42 U.S.C. § 6101 (prohibiting discrimination based on age in programs or activities receiving federal financial assistance).

B. Required Documents: A signed, dated copy of the complaint, any requests for amendment(s) to the complaint, and evidence of compliance with the timeframes and requirements identified above.

II. Notification

A. Quality Requirements: The FHAP agency must notify HUD within 5 days of receiving complaints that are cognizable under the federal Fair Housing Act.

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addition, the FHAP agency must serve notice of the complaint to each complainant and respondent in accordance with the timeframes identified in the substantially equivalent law and the following requirements.

- 1. The notification letter to the complainant must consist of an acknowledgement of receipt of the complaint for filing, the designation of a complaint number, information related to the agency's processing procedures including the name and telephone number of a FHAP agency contact, and the complainant's rights and obligations under the substantially equivalent law, including time limits and choice of forums.
- 2. The notification letter to the respondent must consist of a description of the alleged housing discrimination practice upon which the complaint is based, include a copy of the complaint, and identify the name and telephone number of a FHAP agency contact. The notice to a respondent must also advise respondent of his or her procedural rights and obligations, including respondent's right to file an answer within the timeframe identified in the substantially equivalent law.

3. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of the investigation, may be joined as an additional or substitute respondent by service of a written notice. The notice must explain the basis for the agency's belief that the joined person is properly joined as a respondent and include information identified in paragraph 2 above.
- B. Required Documents: For complaints that are filed directly with the FHAP agency, the agency must enter information in TEAPOTS regarding the complaint within five days of receiving the complaint, sufficiently notifying HUD of the complaint. In addition, the agency must provide HUD with a copy of the notification letters sent to the parties and must update TEAPOTS to indicate when the agency sent the notification letters.

III. Criteria for Cause and No Cause Determination

Every cause or no cause determination must be based on an investigation that includes sufficient consideration of the complainant's and respondent's evidence, and a sufficient evaluation of any and all conflicting evidence. A cause or no cause determination must be based on a review of all relevant evidence the agency obtained during the investigation. The agency shall not act as an advocate for either the complainant or respondent and shall weigh the evidence objectively in light of the relevant substantially equivalent law. The basis for the cause or no cause determination must be well-documented.

A. Quality Requirements:

In addition to the criteria set forth in subheadings I and II above:

1. **Before the end of the 30th day after the complaint is filed, the FHAP agency must initiate a comprehensive investigation of issues raised in the complaint. Respondent's defenses, relevant policies and practices, as well as all other relevant data, must be identified and analyzed and the complainant, respondent, and all relevant witnesses must be interviewed. Contradictions between complainant's allegations and respondent's response must be investigated and when applicable, comparative data must be obtained. When necessary, information must be independently corroborated. Simply obtaining respondents' statements rebutting complainant's allegations will normally not resolve disputed issues of fact.**
2. HUD recommends that FHAP agencies develop investigative plans for every complaint processed that is cognizable under the Fair Housing Act.

For guidance on development of an investigative plan, FHAP agencies may refer to Chapter 7 of HUD Handbook 8024.01 REV-2 (Title VIII Complaint Intake, Investigation, and Conciliation Handbook).

3. In planning the investigation, the investigator and his/her supervisor must determine, on a complaint-by-complaint basis, whether on-site inspections and/or interviews are required. For most complaints, on-site inspections and/or interviews are the most thorough way to conduct an investigation unless:
 - The complaint does not involve factual disputes;
 - Evidence clearly demonstrates there is no cause; or
 - Evidence clearly indicates there is cause.
4. During the period beginning with the filing of a complaint and ending with the FHAP agency's determination or charge of discrimination, the agency, to the extent feasible, must attempt to conciliate the complaint (see more detail on criteria for conciliation attempts and conciliation agreements in Section IV of this document).
5. If the agency does not complete the investigative activities with respect to a complaint within 100 days from the date of receipt, it must notify the parties in writing of the reason(s) for the delay. Such notification letters must be sent within 110 days of the filing of the complaint.
6. At the end of each investigation, the agency shall prepare a Final Investigative Report (FIR). An FIR shall be dated and signed by at least one supervisor. The FIR shall contain:
 - a. The names and dates of contacts with the parties and witnesses, except that the report will not disclose the names of witnesses who request anonymity;
 - b. A summary of correspondence and other contacts with the complainant and the respondent;
 - c. A summary description identifying other pertinent records examined;
 - d. A summary of statements by witnesses, if applicable; and/or
 - e. Interrogatories and answers provided, if applicable.
7. Each Determination shall be signed and dated by an authorized FHAP representative.

8. The FHAP agency shall send the closure package to HUD within 30 days of closure. (See B below).
 9. The FHAP agency will cooperate with HUD by providing information at regular intervals or upon request related to individual complaint investigations. Upon request, HUD shall receive status reports for each complaint that is over 100 days old.
- B. Required Documents: All evidence indicating that a comprehensive investigation was commenced and completed in accordance with the above requirements including, but not limited to: a copy of a signed, dated complaint; a copy of a FHAP agency determination, dated and signed by an authorized FHAP representative; proof that a FHAP agency sent its determination letter to all parties; an FIR that meets the above listed requirements; an investigative plan (when such plan exists); a copy of the 100-day letters and evidence that they were sent; and all other information pertinent to the investigation, including but not limited to interview notes, documentation of conciliation attempts and, when necessary, independent evidence corroborating respondent's defense(s).
- C. Additional funds for "Charged" Complaints: An agency may receive additional funds for complaints for which it issues a charge of discrimination or equivalent action. To obtain such additional funds, the charge (or equivalent action) must meet the following three factors:¹
1. Be issued in a written document;
 2. Be signed by the appropriate agency official; and
 3. Offer the opportunity to adjudicate the charge in a judicial proceeding.
- D. Post-Cause Review – See Section V.

IV. Criteria for Conciliation

During the period beginning with the filing of a complaint and ending with the agency's no cause determination or charge of discrimination, the agency, to the extent feasible, must attempt to conciliate the complaint. In conciliating a complaint, agencies must attempt to achieve a just resolution of the complaint and obtain assurances that the respondent will satisfactorily remedy any violations of the rights of the complainant and take actions to ensure the elimination of alleged discriminatory housing practices and the prevention of their occurrences in the future. These standards for conciliation remain in effect even if conciliation/settlement takes place after the agency's cause determination.

¹ If an agency does not utilize a charge process, it may still receive "charged complaint" additional funds if its cause determination meets these three factors.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

A. Quality Requirements/Required Documents:

The FHAP agency must provide HUD with a signed and dated complaint, a chronology of actions taken up to the conciliation, copies of closure letters sent to the parties indicating that the complaint was closed due to a successful conciliation, together with a copy of the executed conciliation agreement. The conciliation agreement must be in writing, dated and signed by complainant, respondent, and the authorized FHAP agency representative, and include:

1. HUD and FHAP complaint numbers
2. names of the parties;
3. address and description of the subject property;
4. an effective date and the term in which the agreement remains in effect;
5. relief that remedies the discrimination alleged in the complaint;
6. as appropriate, relief that adequately vindicates the public interest, and prohibits future discriminatory housing practices by respondent;
7. a statement that the agreement constitutes closure of the complaint at HUD and the FHAP agency;
8. a statement that the agreement shall be made public unless the complainant and respondent otherwise agree, and an authorized representative of the agency determines that disclosure is not required to further the purposes of the substantially equivalent law. Circumstances that may result in partial or complete nondisclosure of a conciliation agreement may include, but are not limited to:
 - Sexual harassment allegations that may be humiliating and embarrassing to the complainant;
 - A complainant's physical or mental disability that complainant may not want disclosed; or
 - The fact that a complainant is a resident in a home for battered

women which complainant believes may, if disclosed, endanger her safety.

9. provisions that allow the FHAP agency to effectively monitor compliance with the agreement.
10. a statement that violations of other civil rights laws have been alleged (if applicable).

NOTE: The conciliation agreement does not prohibit HUD from taking further action against respondent under other applicable civil rights laws. When a complaint is subject to concurrent processing by HUD under other civil rights laws, the FHAP agency may not execute an agreement that resolves matters in regard to these other laws without HUD's consent.

V. Criteria for Post-Cause Complaints Heard in an Administrative Hearing, Civil Action, or Through Judicial Review

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

- A. Quality Requirements: After a cause determination and a charge of discrimination, or its equivalent, has been issued, and assuming the conciliation was attempted and failed, the complaint must be referred to appropriate counsel to prosecute the charge on behalf of the complainant, at government expense, before an administrative hearing body or civil court. Representation must also be provided in any appeals that follow.
- B. Documents Required: HUD will accept such a complaint for reimbursement if the agency provides documentation of such a referral in, for example, correspondence, logs or pleadings. Additionally, the FHAP agency shall provide any final administrative hearing decision, consent decree, or settlement agreement entered to HUD within 30 days of such action. If the agency does not provide this information, HUD may request, and the agency will be required to return, up to 50% of the reimbursement previously paid to the agency for the complaint.

NOTE: While the agency may obtain reimbursement on these complaints prior to final disposition by an administrative hearing body or a civil court, the agency must subsequently report to HUD the final status of such complaints. *See* 24 C.F.R. § 115.206(e)(8). FHAP agencies must input final status information directly in TEAPOTS within 30 days of the administrative or judicial determination. If the agency does not provide this information, HUD may request, and the agency will be required to return, up to 50% of the reimbursement

previously paid to the agency for the complaint.

VI. Criteria for Closures by Settlement without FHAP Agency Involvement (a.k.a., withdrawals with resolution)

If complainant and respondent resolve the complaint without the FHAP agency's involvement, the complainant may withdraw the complaint by submitting a withdrawal request to the FHAP agency.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

- A. Quality Requirements. The withdrawal request must be written; it must be signed and dated by complainant or complainant's authorized representative; identify the respondent(s) to whom the withdrawal applies; contain the HUD and FHAP agency complaint numbers; state the reason(s) complainant seeks to withdraw the complaint; contain a statement that the withdrawal was not obtained by coercion or threat of retaliation from any person, including but not limited to the respondent; and identify the terms of the resolution.
- B. Required Documents: The FHAP agency must provide FHEO with: a signed and dated complaint; a chronology of the FHAP agency actions prior to the withdrawal request; a copy of the signed and dated withdrawal request; documentation showing that the agency notified the complainant and respondent that the investigation would be terminated as a result of the withdrawal, and that the complainant could re-file the complaint if the terms of the resolution are not satisfied and the re-filing is received within the time limit for filing a complaint under the substantially equivalent law; and a copy of the closure letter.

NOTE: The FHAP agency must not encourage or facilitate resolution without its involvement in lieu of proceeding with conciliation. If HUD discovers that such occurred, reimbursement for the complaint may be deducted in whole or in part.

VII. Criteria for Administrative Closures

Performance Standard 2 in the FHAP regulations, at 24 C.F.R. § 115.206(e)(2), requires that administrative closures only be utilized in limited and appropriate circumstances. It is critical that FHAP agencies not close complaints administratively except under the specific circumstances set forth below.

- A. Withdrawals without Resolution. If complainant decides to withdraw a complaint, even though the complaint has not been resolved, complainant

must submit a withdrawal request.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

1. Quality Requirements: The withdrawal request must: be written; signed and dated by complainant or complainant's authorized representative; identify the respondent(s) to whom the withdrawal applies; contain the HUD and FHAP agency complaint numbers; state the reason(s) complainant seeks to withdraw the complaint; contain a statement that complainant is aware that the withdrawal terminates the FHAP agency's investigation; contain a statement that the withdrawal was not obtained by coercion or threat of retaliation from any person, including but not limited to the respondent.
2. Required Documents: The FHAP agency must provide FHEO: a signed and dated complaint; a chronology of FHAP agency actions prior to receipt of the withdrawal request; a copy of the signed and dated withdrawal request that meets the Quality Requirements set out above; and a copy of the closure letter provided to all parties indicating closure due to withdrawal by complainant without resolution.

NOTE: If the withdrawal request indicates that there was coercion or threat of retaliation, FHAP payment may be denied.

- B. Inability to Locate Complainant. The FHAP agency may administratively close a complaint when additional information is needed from complainant and he or she cannot be located.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

1. Quality Requirements: If correspondence sent by the agency is returned with an indication that the complainant moved and left no forwarding address, the agency must take the following progressive steps to locate the complainant before administratively closing the complaint:
 - a. Place at least four telephone calls to complainant's residence, cell phone number, and place of employment, two during normal business hours to work number and two during non-business hours to a residential/cell number. If an email address is available, the agency must attempt to email the complainant at least two times.
 - b. Attempt to contact persons identified by complainant at intake to inquire as to complainant's whereabouts.

- c. Check other sources in an effort to obtain complainant's current contact information (e.g., telephone directory, Internet searches, postal service, 411 information, utility company, witnesses previously identified by complainant, or individuals at complainant's place of employment).
- d. Send a letter to the complainant's last known address by certified mail, advising complainant of the agency's intent to close the case unless complainant contacts the agency within ten days. If the tenth day elapses without a response, the case may be closed administratively by means of a written notice sent to all parties, including complainant at complainant's last known address.

NOTE: If the FIR shows that the complaint was closed due to the inability to contact complainant without following the steps outlined above, the FHAP agency will not be reimbursed for processing the complaint.

2. Required Documents: The FHAP agency must provide the following documentation to FHEO: a signed and dated complaint; evidence that the above progressive steps were taken to locate complainant; evidence that the certified letter was returned unclaimed, and a copy of the closure letter sent to the parties indicating closure due to inability to locate complainant.

C. Inability to Locate Respondent

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

1. Quality Requirements: A FHAP agency must make every effort to identify the correct name and address of each respondent in a complaint. However, there may be circumstances where a respondent cannot be identified or located. If the complaint identifies multiple respondents and only one cannot be adequately identified, the agency must not close the complaint administratively. Rather, the investigation must proceed and further efforts must be made during the investigation to identify the respondent whose correct name or address remains unknown. The complaint may be amended to remove those respondents who could not be located.

If a sole respondent or all respondents cannot be identified or located, the complaint may be closed administratively if the agency first takes the following steps:

- a. The FHAP agency must attempt to obtain additional information

from available sources that could result in identifying or locating the respondent, including Internet searches, cell phone numbers, cross reference directories, or property tax records that may identify the owner or prior residents of the property in question and provide enough information to identify or locate the respondent, serve the complainant, and begin the formal investigation.

- b. If a source appears to know the identity or location of a respondent that the FHAP agency seeks, but that source refuses to provide the information voluntarily, the FHAP agency must subpoena the information.
- c. As appropriate, the FHAP agency should attempt an on-site visit, which may help locate and identify the respondent.
- d. If the above efforts to locate or identify the respondent are unsuccessful, a letter must be sent to the complainant giving him or her 10 days to provide information needed to locate or identify respondents.

NOTE: In the absence of sufficient information, the case may be closed administratively, and written notice by regular and certified mail should be sent to the parties.

Required Documents: The FHAP agency must provide the following documentation to FHEO: a signed and dated complaint; evidence that the above progressive steps were taken to locate the respondent, including the signed letters identified in 1(d) above giving notice to complainant or complainant's representative, evidence that certified letters were returned unclaimed, and closure letters to complainant or complainant's representative indicating inability to locate respondent(s).

- D. Failure of Complainant to Cooperate with the Investigation. A complaint may be administratively closed when complainant fails to respond to reasonable requests for information that is needed in order for the FHAP agency to make a determination.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

- 1. Quality Requirements:
 - a. The FHAP agency must inform the complainants and their

representatives of their duty to cooperate with the investigation and the risk of the agency administratively closing the complaint if they fail to cooperate.

- b. The FHAP agency must make repeated attempts to contact complainants and their representatives by telephone and mail requesting the needed information. If these efforts are fruitless, the FHAP agency must send a letter to the complainant by certified mail return receipt giving complainant at least ten days from receipt of letter to provide the needed information to the agency.
- c. If the complainant's cooperation cannot be obtained using the above procedures, and the letter is not returned by the post office (i.e., marked addressee unknown, moved, left no forwarding address, etc.), the complaint should then be closed for failure to cooperate.

If the complaint is closed for failure of complainant to cooperate with the investigation, a closure letter must be sent to the complainant.

2. Required Documents: The following documents must be provided to FHEO: a signed and dated complaint; evidence that the above progressive steps were taken to obtain complainant's cooperation, including the signed letter identified in 1(b) above giving notice to the complainant or the complainant's representative; and a copy of closure letter to the parties indicating closure because of failure of complainant to cooperate with the investigation.

E. Lack of Jurisdiction

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

1. Quality Requirements: For a FHAP agency to obtain reimbursement for a complaint administratively closed for lack of jurisdiction, there must be a lack of jurisdiction for both HUD and the agency. If HUD, but not the agency, has jurisdiction over the complaint, the complaint must be referred to HUD for processing. In order to qualify for reimbursement, the lack of jurisdiction must not have been apparent on the face of the complaint at the time of filing, and must have become known only after further investigation. The following are examples of facts uncovered during an investigation that may justify reimbursement for an administrative closure for lack of jurisdiction: a) the complainant has not suffered the alleged harm needed to establish standing; b) the subject property qualifies for an exemption to coverage of both the Fair Housing Act and the substantially equivalent law.

2. Required Documentation: The FHAP agency must provide the following documentation to FHEO: reason(s) for closing the complaint for lack of jurisdiction that demonstrates why HUD does not have jurisdiction, and that the lack of jurisdiction could not have been determined at intake; copies of closure letter sent to the parties that indicate reason for lack of jurisdiction closure, identify FHAP and HUD complaint numbers, and are signed by authorized FHAP agency official.

F. Trial has Commenced. A complaint should not be closed because an aggrieved person has filed a lawsuit, or a court has set a trial date with respect to the same discriminatory housing practice alleged in the complaint. However, under the substantially equivalent law, as under the Fair Housing Act, FHAP agencies are usually barred from issuing a charge of discrimination or continuing administrative proceedings if a judicial trial has begun.

In addition to the appropriate criteria set forth in subheadings I, II, and III above:

1. Quality Requirements: No additional criteria.
2. Required Documents: To receive reimbursement for an administrative closure due to the commencement of a judicial trial, the FHAP agency must produce: a document from the clerk of the court in the jurisdiction that hears the complaint demonstrating that a trial has begun; or letters from the complainant, the complainant's representative, or the respondent or that respondent's representative, that a judicial trial has begun; or certification that the FHAP agency verified the accuracy of the information with the clerk of the court; or an order by the court resolving the complaint; or a copy of closure letters sent to the parties indicating closure due to judicial trial commencement.