U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-2000

OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL OPPORTUNITY

April 1, 1997

MEMORANDUM FOR: George Williams, Director, Fair Housing Enforcement Center, 9AE

FROM: Susan M. Forward, Deputy Assistant Secretary for Enforcement and Investigations, EE

SUBJECT: Memorandum of Understanding for the California Department of Fair Employment and Housing (DFEH)

Attached is an executed copy of the Memorandum of Understanding (MOU) for the DFEH. Also attached is a copy of our letter transmitting the MOU to the agency.

You may obligate funds and begin referring housing discrimination complaints to the Agency in accordance with the provisions of the MOU immediately.

Thank you for your assistance in this matter. If you have any questions, please call Sara K. Pratt on (202) 708-0836.

Attachments

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AND THE

California Department of Fair Employment and Housing

I. PURPOSES

The purposes of this Memorandum of Understanding (MOU) are to:

provide for referral of fair housing complaints between the U.S. Department of Housing and Urban Development ("the Department") and the California Department of Fair Employment and Housing ("the Agency" or "DFEH");

set forth the terms and conditions upon which such referrals will be made;

define the terms and conditions upon which the services and employees of the Department may be used by the Agency;

define the terms and conditions upon which the services and employees of the Agency may be used by the Department; and,

establish procedures for communication between the parties to this MOU that permit the Department to monitor and evaluate the Agency's administration and enforcement of its fair housing law for continued certification.

These communication procedures will assist the Department in determining whether, in operation, the fair housing law administered by the Agency provides rights, procedures, remedies, and judicial review for alleged violations of law that are substantially equivalent to those provided in the Fair Housing Act (more specifically, whether the Agency is operating in a manner consistent with the performance standards set forth at 24 CFR 115).

II. AUTHORITY

The Department is responsible for the administration of the Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR Part 100 et seq.

The Agency is responsible for the administration and enforcement of the California Fair Employment and Housing Act including the Unruh civil Rights Act ("the FEHA") as interpreted, implemented, explained or otherwise effected by Regulation, Rule, Directive, or Formal Opinion of the State Attorney General of the jurisdiction.

The Assistant Secretary for Fair Housing and Equal Opportunity, in applying the criteria set forth in 24 CFR Part 115.202 and 115.203 has determined that the:

fair housing law administered by the Agency provides rights, procedures, remedies, and judicial review for alleged discriminatory housing practices that are substantially equivalent to those provided in the Fair Housing Act; and

current practices and past performance of the Agency demonstrate that, in operation, the FEHA provides rights, procedures, remedies and availability of judicial review that are substantially equivalent to those provided in the Fair Housing Act.

III. DEFINITIONS

As used in this MOU:

A. "Agency" or "DFEH " means the Department of Fair Employment and Housing.

B. "Aggrieved person" includes any person who:

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

C. "Case file" means a record which is constantly updated and modified to reflect each step of intake and investigation. The case file is comprised of the following four parts:

Final Investigative Report (FIR) - summarizes all of the personal and telephonic contacts and the records associated with the investigation;

Evidentiary Section - contains the interview reports and documentary evidence from which the FIR is developed;

Log/Control Section - contains inquiries concerning the complaint sent to the Agency and the Agency's response; and

Working Papers Section - contains documents which are strictly for internal use. This section will also contain the names of anonymous witnesses, the investigation plan, and information on the conciliation demands of each party to the complaint. The investigator's handwritten, contemporaneous interview notes belong in the Working Papers Section.

D. "Commence proceedings" means when the Agency has received a complaint, assigned a case number, determined acceptability, and assigned the complaint for investigation and resolution.

E. "Complainant" means the person who files a complaint under the **FEHA** or Section 810 of the Fair Housing Act.

F. "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Agency representative.

G. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in a conciliation agreement signed by the complainant, respondent, and Agency.

H. "Concurrent processing" means the processing of a case under the Fair Housing Act and other civil rights authorities administered by the Department.

I. "Department" or "HUD" means the United States Department of Housing and Urban Development.

J. "Dual-filed complaint" means a complaint that is filed with both the Department and the Agency and alleges discriminatory housing practices unlawful under the FEHA and Section 804, 805, 806 or 818 of the Fair Housing Act.

K. "Fair Housing Act" means Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3601-3619.

L. "Investigation" is the process by which HUD and the Agency obtain information concerning the events or transactions that relate to the alleged discriminatory housing practice identified in the complaint or allegations discerned as a result of the investigation; document policies or practices of the respondent involved in the alleged discriminatory housing practice raised in the complaint or allegations discerned as a result of the investigation; and develop factual data necessary to determine whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

M. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

N. "Field Office" is the Field Office located at Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102-3448 Telephone 415-436-6568.

O. "Respondent" means:

(1) the person or other entity accused in a complaint of a discriminatory housing practice(s); and

(2) any other person or entity identified during investigation and notified as required.

IV. FILING OF COMPLAINTS/DUAL-FILING

In order to protect housing rights and facilitate the filing of complaints, HUD and the Agency each authorizes the other to receive complaints for it. Each Agency will inform complainants of their right to file with the other Agency and, pursuant to the procedures identified in this MOU, will assist the person alleging housing discrimination in preparing a complaint to satisfy the requirements of the other Agency. The authorization to receive complaints contained in this paragraph does not include the right of one Agency to determine the jurisdiction of the other over a complaint.

A. Acceptance and Referral of Complaints

(1) Complaints first received by HUD. When a complaint is filed with HUD and alleges a discriminatory housing practice that is within the jurisdiction of the Agency, the Field Office will, within 3 working days of the filing with HUD, notify the Agency by certified mail, and refer the complaint to the Agency for processing. The Field Office will notify the complainant and respondent by mail within ten days of the filing of the complaint with HUD of the referral to the Agency for further processing. The Agency shall acknowledge the date it received the complaint or the certified mail receipt and return it promptly to HUD. The Department will take no action with respect to the complaint, except for reactivation as set forth in Section V of this MOU.

Additionally, a referral does not prohibit the Department from taking appropriate action to review or investigate matters in the complaint that raise issues cognizable under other civil rights authorities applicable to HUD programs. If possible, the Department will include in the transmittal of the complaint, information as to whether other civil rights authorities are applicable. If the Department cannot make a determination that other civil rights authorities apply within three days of the receipt of the complaint,

the Department will forward the complaint and provide such additional information as soon as it is determined.

(2) Complaints first received by the Agency. When a complaint is filed with the Agency under the FEHA the Agency will forward it to the Field Office within 5 working days after receipt. The Agency shall indicate its case file number on the transmittal to HUD. Upon receipt of the complaint, HUD will assign a file number and notify the Agency within 5 working days of the Department's acceptance of the complaint as dual-filed. The Field Office will notify the Agency within 5 working days after the complaint has been received whether HUD has determined that other civil rights authorities are applicable.

When the Agency receives a complaint, the complainant or aggrieved person shall be informed of his/her rights under the Fair Housing Act and encouraged to file a complaint with HUD.

The time period for reactivation will begin upon the Agency's acknowledged date of receipt of the complaint. The Agency acknowledges receipt by dating the Department's enclosed return receipt, assigning an Agency case file number, and returning the receipt to the Field Office. HUD will begin monitoring of the complaint based on the Agency's acknowledged receipt date.

The Agency shall assist the complainant or aggrieved person in drafting a complaint that meets the filing requirements of this Section IV and shall send the complaint to the Field Office designated in Section III. N. of this MOU.

B. The Agency agrees that complaints may be filed by telephone, in person, or by mail. Complaints filed with the Agency will be considered dual-filed under its own law and with the Department under the Fair Housing Act.

C. Each complaint must be in writing and must be signed and affirmed by the aggrieved person filing the complaint. Information can be provided by telephone and reduced to writing by an Agency employee (See 24 CFR 103.40(b)) and the signature and affirmation may be made at any time during the investigation (See 24 CFR 103.30(a)).

D. Each complaint must contain substantially the following information:

(1) The name and address of the aggrieved person;

(2) The name and address of the respondent;

(3) A description and the address of the dwelling that is involved, if appropriate; and

(4) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.

E. A complaint will be considered filed when it is received by the Department, or dual-filed with the Department through the Agency, in a form that meets the standards of C and D above.

F. HUD will identify any complaint that may involve the need for a temporary restraining order (TRO) and refer the complaint to the agency promptly by telephone with follow-up mail.

G. The Agency agrees:

(1) To engage in comprehensive and thorough investigation and conciliation activities; and

(2) To commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint, carry forward proceedings with reasonable promptness in accordance with this MOU, and make final administrative disposition of a complaint within one year of the date of receipt and within 100 days of receipt of the complaint, complete the following

investigatory proceedings, including the preparation of a final investigative report containing:

(a) The names and dates of contacts with witnesses;

(b) A summary and dates of correspondence and other contacts with the aggrieved person and the respondent;

(c) A summary description of other pertinent records;

(d) A summary of witness statements; and

(e) Answers to interrogatories.

H. The Agency agrees to notify the complainant and respondent in writing of a delay the reasons for the delay, if the Agency is unable to complete the investigation within 100 days of the receipt of the complaint.

I. The Agency agrees that it will not refer any complaints to any agency or unit of government unless the Department has found such agency or unit of government to be substantially equivalent.

J. The Agency agrees not to permit any of its decision making authority to be contracted to or delegated to a nongovernmental entity.

V. REACTIVATION

HUD will reactivate a complaint in accordance with this Section.

A. Consensual Reactivation

Reactivation may occur if the Agency or Department requests reactivation or the Agency consents to reactivation. The following situations are bases for reactivation under this paragraph:

(1) If the respondent is a Federal, State, or local governmental agency;

(2) If the respondent has properties outside the jurisdiction in which the Agency operates;

(3) If the case is systemic; or

(4) If handling the case would result in a conflict of interest for the Agency.

B. Reactivation

The Agency and the Department agree that, except with the consent of or request for reactivation by the Agency, the Department, after referral of the complaint, shall take no further action with respect to such complaint unless:

(1) The Assistant Secretary determines that the Agency no longer qualifies for certification; or

(2) The Agency has failed to commence proceedings with respect to the complaint within 30 days of the Agency's acknowledged receipt date (in accordance with subsection III (D) of this MOU); or

(3) The Agency, having so commenced such proceedings within the 30-day period, fails to carry forward such proceedings with reasonable promptness.

The determination that the Agency has failed to act with reasonable promptness is one that the Department will make on a case-by-case basis through consultation with the Agency. Factors to be considered include, but need not be limited to, the following:

- the subject matter;
- the number of aggrieved persons;
- the complexity of the issues involved in the complaint;
- the progress made by the Agency since the referral of the case;
- the workload and resources available to the Agency; and
- scheduling difficulties between the Agency, the aggrieved person, and the respondent.

(4) HUD will not reactivate a complaint under paragraphs (2) or (3) of this subsection until the appropriate HUD Field Office has conferred with the Agency to determine the reason for the delay in processing the complaint. If the Assistant Secretary believes that the Agency will proceed expeditiously following the conference, the Assistant Secretary may leave the complaint with the Agency for a reasonable time.

(5) The complaint will be reactivated, if, at any time during the processing of the complaint: (a) it is discovered that the complaint was improperly referred to the Agency; or (b) the complaint was properly referred, but it is discovered that the complaint involved exemptions or other restrictions that, if known at the time of referral would have resulted in HUD's retention of the complaint under paragraph VIII of this MOU.

Reactivation for untimely processing will begin from the Agency's acknowledged date of receipt of the complaint.

C. If reactivation occurs under this subsection V. B., the Agency will not receive payment for processing, unless HUD determines that failure to pay would impose a significant burden on the Agency.

VI. REQUIREMENTS FOR CERTIFICATION

The following are requirements for maintaining certification:

A. To conduct compliance reviews of all settlements, conciliation agreements and orders issued to resolve discriminatory housing practices;

B. To consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices;

C. To consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law;

D. To inform the Department of any changes in duties or responsibilities in addition to the administration of the fair housing law;

E. To provide the Department, annually, data showing changes in the organization of the agency, funding and personnel made available for the enforcement of the fair housing law; and

F. To immediately notify the Department of any changes in its fair housing law, regulations, directives; any pertinent opinions of the State Attorney General of the Agency's jurisdiction.

VII. COMPLAINT PROCESSING

A. The Department will refer to the Agency for processing any complaint filed with the Department that alleges a violation of the Agency's fair housing law.

B. The Agency agrees to accept and process any complaint referred to it by the Department. The Agency further agrees that no complaint referred to it by the Department involving discriminatory housing practices will be referred to any other agency unless the Department has certified the agency as substantially equivalent.

C. Investigations

To ensure that complaint investigations are effective, the Agency and the Department agree that:

(1) The Agency and the Department will have mutual access to all relevant information in each other's possession during the investigation of a complaint (access also may be requested from other local, State and/or Federal agencies as appropriate) unless the agency is legally restricted from doing so;

(2) Upon reasonable notice by either signatory, each agrees to make available to the other, to the maximum extent possible, such facilities and/or staff resources as are necessary in processing a complaint; and

(3) When there are reasons for an investigation to be conducted jointly by investigators from both the Department and the Agency, the signatories will coordinate their pre-investigative planning to assure that there is no duplication of effort. During any joint investigation, the investigators from both signatories will make the same representations to respondent(s), complainant(s), and witnesses. For example, where a case is concurrently processed (other civil rights authorities administered by HUD as well as the Fair Housing Act and the Agency's fair housing law apply to the case), HUD may participate in the processing of the complaint.

D. Other Civil Rights Authorities

In addition to the Fair Housing Act, other civil rights authorities may be applicable in a particular case. HUD personnel in the Field Office of FHEO will investigate that portion of the complaint not covered by this MOU, which may violate the following civil rights authorities:

- Title VI of the Civil Rights Act of 1964;
- Section 109 of the Housing and Community Development Act of 1974;
- Executive Order 11063 of November 20, 1962 - Equal Opportunity in Housing;
- The Age Discrimination Act of 1975; and
- Section 504 of the Rehabilitation Act of 1973.

E. Conciliation

(1) During the period beginning with the filing of the complaint and ending with the filing of a charge or the dismissal of the complaint by the Director/Commissioner, the Agency will, to the extent feasible, attempt to conciliate the complaint.

(2) In conciliating a complaint, the Agency will attempt to get a just resolution of the complaint and to obtain assurances that

the respondent will satisfactorily remedy any violations of the rights of the aggrieved person, and take such action as will assure the elimination of the discriminatory housing practices, or the prevention of their occurrence in the future.

(3) The terms of a conciliation agreement will be reduced to writing. The agreement shall seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest.

(4) Where the Department has notified the Agency that a case is subject to concurrent processing, the Agency agrees to include language that states that the conciliation agreement does not prohibit HUD from taking further action against the respondent under applicable rules and regulations of the other civil rights authorities.

Further, the Agency also agrees not to execute a conciliation agreement for cases subject to concurrent processing unless HUD concurs on the terms and conditions of that agreement.

(5) The conciliation agreement must be signed by the respondent, complainant and an authorized DFEH representative.

(6) The Agency may end its efforts to conciliate the complaint if the respondent fails or refuses to confer with the Agency; the aggrieved person/complainant or the respondent fails to make a good faith effort to resolve the dispute; or, the Agency determines that voluntary agreement is not likely to result.

(7) The Agency agrees to make full disclosure of all conciliation agreements to HUD.

F. Enforcement

(1) In appropriate cases, the Agency will use its authority to seek prompt judicial action. Upon the filing of a complaint, the Agency promptly will seek appropriate temporary or preliminary relief on behalf

of the aggrieved person consistent with the law and seek the implementation of appropriate sanctions and penalties.

(2) In appropriate cases, the Agency will exercise its authority to issue subpoenas, require the attendance of witnesses to give testimony at depositions or hearings, and the production of relevant books, papers, documents, or tangible things. If a person fails to comply with a subpoena issued by the Agency, the Agency will enforce its subpoena.

(3) Where a reasonable cause determination has been made, the Agency must use its authority to seek actual damages in an administrative hearing, or arrange to have adjudicated in court, at the Agency's expense, the award of actual damages to the aggrieved person. Such actual damages can include damages caused by humiliation and embarrassment.

(4) Where a reasonable cause determination is made against a respondent, the Agency must use its authority to seek appropriate injunctive or other equitable relief in administrative hearings, or to seek such relief in a court of competent jurisdiction.

(5) Where a reasonable cause determination is made, the Agency must use its authority to seek and assess appropriate civil penalties against the respondent in administrative proceedings or arrange to have adjudicated at Agency expense, the award of the appropriate punitive damages against the respondent.

(6) The Agency will make final administrative disposition of a complaint within one year of the date of filing of a complaint unless it is unable to do so. If the Agency is unable to do so, it shall notify the complainant, respondent, and the Department, in writing, of the reason(s).

G. Monitoring

The purpose of monitoring is to ensure timely, complete, and quality case processing of each dual-filed complaint, enforcement of complaint, and provide appropriate technical assistance to the Agency. Information obtained through monitoring is used in part, for assessing the overall performance of the Agency as required under 24 CFR Part 115.

(1) The Department will use the following "milestones" in assessing progress of the Agency in case processing. Failure by the Agency to meet these milestones alert the Department to the need to take further action.

- 30th Day: Agency has commenced investigation or conciliation.

- 75th Day: Agency has completed the Final Investigative Report, if conciliation is not completed.

- 100th Day: Agency has submitted to the Department the final investigative report, containing the names and dates of contacts with witnesses, summary and dates of correspondence and other contact with the complainant and respondent, a summary description of other pertinent records, a summary of witness statements, and answers to interrogatories.

(2) After the 100th day, HUD must assess whether the Agency is proceeding with reasonable promptness. The Agency must provide, in writing, to the Department the rationale and supporting documentation for the delay and a reasonable projected date of completion.

(3) The Agency's actions will be monitored to ensure that subpoenas are sought and enforced in all appropriate cases.

(4) The Agency's actions will be monitored to ensure that the federal design and construction requirements for covered multifamily dwellings are applied in those instances in which they are more stringent than the State regulations for such dwellings.

(5) The Agency's actions will be monitored to ensure that Subsection 12955.1 of the FEHA is implemented consistently with the Act; i.e., so that it does not create an exemption from the design and construction requirements.

(6) The agency's actions will be monitored to ensure that the provisions of Section 17 of the AB2244 be implemented in a fashion that is consistent with the Act, i.e., that persons making or purchasing secondary mortgages are not permitted to violate the FEHA.

(7) The Agency's actions will be monitored to ensure that the implementation of Section 12955.9 of the FEHA regarding prohibitions of discrimination based on familial status is consistent with the Act, [i.e., that the Unruh Act is enforced consistent with the housing for older persons exemption in the FEHA].

(8) The Agency's actions will be monitored to ensure that its current policy and practice of attempting conciliation throughout the investigation process are consistent with the Act and that an accusation shall not be issued until efforts to conciliate, if feasible, have been made.

VIII. COMPLAINTS TO BE PROCESSED BY HUD

A. In no circumstance will HUD refer the following complaints to the Agency under this MOU:

(1) Secretary-initiated complaints;

(2) (a) Complaints involving a respondent who has breached an executed and HUD-approved conciliation agreement; and

(b) If a complaint involving a breach of a HUD-approved conciliation agreement is first filed with the Agency, the Agency shall immediately inform HUD, and transfer the case to HUD for processing. Such a complaint is not dual-filed, and the Agency will not receive payment by HUD under the Fair Housing Assistance Program.

B. HUD reserves the right not to refer the following complaints to the Agency:

(1) Complaints that involve the legality of any State or local zoning or other land use law or ordinance where the complaint is first received by HUD;

(2) Complaints that have been identified for systemic processing because they involve complex issues of fact or law or are pervasive and institutional in nature; and

(3) Complaints for which HUD has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights granted under the Fair Housing Act or that any person or persons has been denied any of the rights granted by the Act.

IX. TRAINING

In recognition of the continuing need by both signatories to train staff (investigators, conciliators, attorneys, commissioners, administrators, etc.), the signatory parties agree to hold joint periodic training conferences to develop uniform standards of performance by both parties with respect to investigations and conciliation of complaints. The signatories will share responsibility for the preparation of training in accordance with budgetary constraints. The Agency is required to participate in all HUD-sponsored training at national and field training sites.

X. RESEARCH ACTIVITY

The parties agree that from time to time they jointly will undertake research in housing discrimination and other forms of discrimination which may impact on housing discrimination, as budgetary constraints permit.

XI. EDUCATIONAL ACTIVITY

The Agency agrees to coordinate its educational activities with other governmental and non-governmental entities that may be conducting fair housing education and outreach projects in the Agency's jurisdiction (for example, other jurisdictions that are administering substantially equivalent laws, or recipients of Fair Housing Initiatives Program funding).

XII. TECHNICAL ASSISTANCE

From time to time, the Agency agrees to accept technical assistance and on-site performance review visits from HUD. The need for such reviews will be determined by HUD, but may be specifically requested by the Agency and coordinated by both the Agency and HUD. Failure to implement technical assistance provided by HUD will have a negative effect on the Assistant Secretary's determination of continued certification. Technical assistance will be provided on a regular or as needed basis.

XIII. COMPLAINT REPORTING REQUIREMENT

Agencies entering into this MOU with the Department will be required to have an approved complaint reporting tracking system or a system that interfaces with HUD's system. If necessary, the Department will provide the required software and a fixed financial contribution toward the Agency's purchase of hardware. The fixed financial contribution will be defined in the Department's funding instrument, that is, the FHAP cooperative agreement.

XIV. LIAISON

The signatories agree to name a specific individual, as well as an alternate, to serve as the principal contact person for each in all communications between them. The individuals so designated are:

For the Department: Liaison: George D. Williams

Alternate: Gloria Nordin

For the Agency: Liaison: Wanda J. Kirby

Alternate: Beth Rosen-Prinz

In addition to communications regarding complaint processing, the Department's liaison will monitor the Agency's allocation of staff for the implementation of its fair housing law. The Agency's liaison will be required to provide the Department's liaison a listing of all resources used for fair housing activities including identifying by name, position, salary, percentage of time, and experience of all persons responsible for handling fair housing complaints. Should the listing change for any reason, the Agency's liaison is required to inform the Department's liaison immediately.

XV. REVIEW OF THE LAW'S OPERATION

During the period of this MOU, HUD will conduct at least one on-site review every 12 months of the Agency's administrative and judicial process and performance under the **FEHA**. HUD will determine whether, in operation, the **FEHA** continues to provide substantially equivalent rights, remedies, procedures, and judicial review in accordance with 24 CFR, Part 115.

At a reasonable time, not more than one year after the Assistant Secretary has signed the MOU, the Agency will ensure that all written guidance, rules, directives, form letters, opinions, handbooks, etc., are made consistent with the implementation of the Agency's amended law.

XVI. EFFECTIVE DATE

The MOU shall become effective upon the signature of the Assistant Secretary for FHEO and shall continue for a period not to exceed five years from such signature.

XVII. REQUESTS FOR INFORMATION

After final disposition of a dual-filed case, the Agency agrees to forward a copy of the complete case file, applicable conciliation agreements, closure letters, determinations, and administrative or judicial decisions to the appropriate Field Office of FHEO for review. The Agency should refer all requests for information to the Department if the Agency's law will not permit disclosure of information requested. The Department will release information, subject to appropriate requests and

according to relevant law and procedures, on investigations, conciliations, or orders on fair housing complaints after closure. This includes all cases dual-filed with the Department.

XVIII. SIGNATURES

Executed by the undersigned on the dates shown below, pursuant to the respective authorizations of the U.S. Department of Housing and Urban Development and the California Department of Fair Employment and Housing.

Deputy Assistant Secretary for Enforcement and Investigations — Date: 4-1-97

Director, Fair Housing Enforcement Center — Date: 3-10-97

Director, California Department of Fair Employment and Housing — Date: 3-4-97