



CUMBERLAND HUMAN RELATIONS COMMISSION

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Human Relations Commission

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City of Cumberland, Maryland Fair Housing Discrimination Complaint Process

Your fair housing rights are protected under **Title VIII of the Civil Rights Act of 1968 Fair Housing Act** its amendments, **Chapter 9 Human Rights Code City of Cumberland**, and **Maryland Article 49B**. If those rights have been violated, you can file a complaint with the Cumberland Human Relations Commission (HRC).

Here is how the process works:

Step 1 - Intake

1. Anyone can file a discrimination complaint with the Cumberland Human Relations Commission (HRC) at no cost. Any entity can file a complaint including individuals, community groups, and advocates on behalf of themselves and others. Those that file fair housing complaints are known as **“complainants.”** Those against whom fair housing complaints are filed are called **“respondents.”**
2. Fair housing complaints can be filed with HRC in person, by telephone (301-759-6659), or mail.
3. After HRC has received the initial information, staff will contact the complainant and interview him or her to collect facts about the alleged discrimination. Initial interviews are normally conducted by telephone. Staff will then review the allegations to determine whether the matter is jurisdictional.
4. If HRC has the authority to investigate, it will file the complaint. If the allegations do not fall within HRC’s jurisdiction, for example if the complaint does not allege housing discrimination, HRC cannot accept the complaint and must close the case.
5. If the alleged discrimination occurred within a state or locality other than the incorporated limits of the City of Cumberland, staff will refer the complainant to the Maryland Commission on Human Relations or HUD



WE DO BUSINESS IN ACCORDANCE WITH THE FEDERAL HOUSING LAW

Step 2 - Filing

1. If HRC accepts the complaint for investigation, the investigator or complainant will draft a formal complaint on HRC's standard form. If staff drafts the complaint on behalf of the complainant over the phone, the complaint will be mail or emailed to the complainant for signing. The complainant must return the form it to the HRC.
2. Within 10 days after receipt of a signed complaint, HRC will send the respondent notice that a fair housing complaint has been filed against him or her along with a copy of the complaint. At the same time, if staff drafted the complaint on behalf of the complainant, HRC will send the complainant an acknowledgement letter and a copy of the complaint.
3. Within 30 days of receiving the notice, the Respondent must submit to HRC an answer to the complaint.

Step 3 - Investigation

1. As part of the investigation, HRC will interview the complainant, the respondent and pertinent witnesses. The investigator will collect relevant documents or conduct onsite visits, as appropriate.
2. HRC has the authority to take depositions, issue subpoenas and interrogatories, and compel testimony or documents.

Step 4 - Conciliation

1. The Fair Housing Act and Chapter 9 City Code requires HRC to bring the parties together to attempt conciliation/mediation in every fair housing complaint. The choice to conciliate/mediate the complaint is completely voluntary on the part of both parties. Any conciliation agreement signed by HRC must protect the public's interests.
2. If the parties sign a conciliation agreement, HRC will end its investigation and close the case. However, if either party breaches the agreement, HRC can recommend that the City Solicitor file suit to enforce the agreement.

Step 5 - No Cause Determination

1. If, after a thorough investigation, staff finds no reasonable cause to believe that housing discrimination has occurred or is about to occur, staff will issue a determination of "no reasonable cause" and administratively close the case.
2. A complainant who disagrees with that decision can request reconsideration of the case by sending a letter to the Chairman of the Cumberland Human Relations Commission.
3. Upon receipt of a request for reconsideration, HRC will notify all of the parties that the request has been received and invite them to submit any additional evidence pertinent to the investigation.
4. HRC will review all of the materials from the investigation and any additional evidence that the parties provide.

5. HRC will then inform the parties if the Department has affirmed its finding of “no reasonable cause” or instead has decided to re-open the complaint. If HRC decides to re-open the complaint, it will resume investigation and conciliation. If HRC affirms its finding of “no reasonable cause,” HRC can take no further action on the complaint.

6. If the complainant disagrees with HRC’s determination that there was no reasonable cause to believe that discrimination occurred or was about to occur, the complainant can file a civil court action in Allegany County, Maryland District Court.

Step 6 - Cause Determination and Charge

1. If the investigation produces reasonable cause to believe that discrimination has occurred or is about to occur, HRC will issue a determination of “reasonable cause” and charge the respondent with violating the law. HRC will send a copy of the charge to the parties in the case.

2. After HRC issues a charge, a HRC Subcommittee will hear the case unless either party elects to have the case heard in Maryland Civil Court. Parties must elect within 20 days of receipt of the charge.

Step 7 - Hearing in a District Court

1. Within 30 days after either party elects to go to district court, City Solicitor will commence a civil action on behalf of the aggrieved person in state district court.

2. If the court finds that a discriminatory housing practice has or is about to occur, the court can award actual and punitive damages as well as attorneys fees.

Step 8 - Hearing before a HRC Subcommittee

1. If neither party elects, a HRC Subcommittee will hear the case. An attorney from HRC will represent the aggrieved party before the Subcommittee.

2. When the Subcommittee decides the case, the Subcommittee will issue an initial decision.

3. If the Subcommittee finds that housing discrimination has occurred or is about to occur, the Subcommittee can award a maximum civil penalty per violation, for a first offense, in addition to actual damages for the complainant, injunctive or other equitable relief, and attorneys’ fees.

4. Within 15 days of the issuance of the Subcommittee’s initial decision, any party adversely affected by the Subcommittee’s initial decision can petition the Secretary of HRC for review.

5. The full Commission has 30 days after the initial decision to affirm, modify, or set aside the Subcommittee’s initial decision, or remand the initial decision for further proceedings. If the full Commission does not take any action within 30 days, the decision will be considered the HRC’s final decision.

6. After the Department has issued a final decision, any party aggrieved by the Department’s final decision can appeal to the appropriate court of appeals.