



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

NOV 14 2014

The Honorable Tim Scott
United States Senator
2500 City Hall Lane, 3rd Floor Suite
North Charleston, SC 29406-6538

Dear Senator Scott:

Thank you for your letter on behalf of your constituent, Ms. Suzanne Engelmann of Greenville, South Carolina, about the fair housing complaint that is currently being investigated by the South Carolina Human Affairs Commission (SCHAC). You have asked the Department of Housing and Urban Development (HUD) to address Ms. Engelmann's request that HUD take over the investigation of her complaint. The following information is from HUD's Office of Fair Housing and Equal Opportunity (FHEO).

HUD's records indicate that Ms. Engelmann filed the complaint with HUD's Region IV Office FHEO in Atlanta, Georgia, on December 3, 2013. The complaint alleged discrimination on the basis of disability under the federal Fair Housing Act (the Act). Specifically, Ms. Engelmann alleged that the respondents refused to provide her with a reasonable accommodation in violation of Section 804(f)(3)(b) of the Act.

Under Section 810(f) of the Act, HUD must refer housing discrimination complaints it receives to state and local agencies that: 1) have jurisdiction to investigate such complaints under state or local fair housing laws; and 2) the Department has certified as enforcing a law that it has deemed to be "substantially equivalent" to the Act because it provides rights, procedures, remedies, and judicial review provisions that are substantially equivalent to those provided by the Act. In accordance with the Act, HUD's Region IV FHEO referred Ms. Engelmann's complaint to the SCHAC, a substantially equivalent agency, for investigation. Under the Act, once it refers a complaint to a substantially equivalent agency for processing, HUD may take no further action with respect to that complaint unless the agency explicitly waives its jurisdiction to investigate the complaint or fails to conduct an investigation.

Our records show that SCHAC is actively investigating Ms. Engelmann's allegations against the respondents, including interviewing the parties and reviewing evidence. As such, HUD may not take Ms. Engelmann's complaint from SCHAC.

I hope the information provided is helpful in responding to your constituent. Please let me know if I can be of further assistance.

Sincerely,

Assistant Secretary for Congressional
and Intergovernmental Relations