

APPENDIX 25 CONTAINS 24 CFR PART 146 - NONDISCRIMINATION ON THE BASIS OF AGE IN HUD PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE.

24 CFR Part 146

Pages 1 thru 8 of 10

10/96

4640.1 REV-1
APPENDIX 25

WHAT IS THE AGE DISCRIMINATION ACT OF 1975?

The Age Discrimination Act of 1975 U.S.C. 6101-07, prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Department of Housing and Urban Development's (HUD) implementing regulations at 24 CFR Part 146 became effective in December 1986, consistent with the government-wide age discrimination regulation at 45 CFR Part 90. The Act mandated that the Department of Health, Education and Welfare publish a general regulation to guide the development of specific regulations by each Federal agency that administers programs of financial assistance.

WHO MUST COMPLY WITH THE AGE DISCRIMINATION ACT?

The Act applies to approximately 26,358 recipients as follows:

Program	Number of Recipients
Public Housing Authorities	3,270
Indian Housing Authorities	187
Assisted Housing Providers	20,100
Shelter Plus Care	30
Moderate Rehabilitation	650
Transitional Housing	103
Permanent Housing	50
Community Development Block Grants	889
States (CDBG)	49
HOPE 1 - 2 - 3	580
HOME	450
TOTAL	26,358

SHOULD I INCLUDE DEFINITION OF FEDERAL FINANCIAL ASSISTANCE HERE?

WHAT DISCRIMINATORY ACTIONS ARE PROHIBITED?

A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age of:

- o Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
- o Denying or limiting individuals in their opportunity to

participate in any program or activity receiving Federal financial assistance.

4640.1 REV-1
APPENDIX 25

WHAT IS THE PROCEDURE FOR FILING A COMPLAINT?

Persons who believe that a recipient has discriminated against them on the basis of age may file a complaint with the Department. The ten geographic Fair Housing Enforcement Centers have the authority to investigate complaints. A complaint can be filed within 180 days from the date of the alleged act of discrimination. For purposes of determining when a complaint is filed, a complaint mailed to the Department shall be deemed filed on the date it is postmarked, or hand-delivered to the Field Office. The envelope should be retained with the original complaint to document the filing date. Complaints received in person should always be date-stamped the day of receipt.

In addition, the Department can also conduct periodic compliance reviews of the practices of the recipient to determine if they are complying with the regulation. The Field Offices have the authority to conduct reviews.

WHAT ARE THE PENALTIES FOR NON-COMPLIANCE?

HUD's enforcement procedures for non-compliance with the Act include:

Termination of a recipient's financial assistance from HUD under the program or activity involved, if the recipient has violated the Act. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an Administrative Judge.

FOR FURTHER INFORMATION CONTACT:

Director, Office of Program Compliance and Disability Rights
Office of Fair Housing and Equal Opportunity
451 Seventh Street, S.W.
Washington, D.C. 20410

Your local HUD field office may also be contacted for further information.