

City of Hesperia Nondiscrimination Policy and Complaint Procedure Related to Housing and Programs Receiving Federal Funds

The City of Hesperia (City) is committed to providing programs that are free of discrimination in accordance with applicable state and federal laws, including the Fair Housing Act and Title VI of the Civil Rights Act of 1964. This Policy prohibits discrimination related to housing or in City programs receiving federal funds on the basis of the following protected characteristics: race, national origin, color, religion, religious creed, sex, gender, pregnancy, gender identity, gender expression, sexual orientation, familial status (having children under 18), disability, or any other basis protected by law.

This means that the City and its employees, agents, and all persons acting for or with them, will not:

- Discriminate in the sale or rental, or otherwise make unavailable or deny, a dwelling to any person, on the basis of a protected characteristic
- Discriminate in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, on the basis of a protected characteristic
- Adopt, maintain, enforce, or implement any laws, regulations, policies, procedures, or practices that discriminate, on the basis of a protected characteristic
- Interfere with or retaliate against any person in the exercise or enjoyment of, or on account of any person exercising or enjoying, or aiding or encouraging another person in exercising or enjoying, any right protected by the Fair Housing Act
- Discriminate as a recipient of federal funding assistance on the basis of a protected characteristic

Civil Rights Coordinator

The Civil Rights Coordinator is the Economic Development Manager, who as of August 31st, 2023, is Victor Knight. The Civil Rights Coordinator receives, reviews, manages, retains, and responds to all complaints of discrimination made against the City or any of its employees, agents, or anyone acting for or with them related to housing or to City programs receiving federal funds. The Civil Rights Coordinator will receive annual training on fair housing and anti-discrimination laws. The Civil Rights Coordinator is responsible for maintaining and administering annual training of appropriate City personnel. The Civil Rights Coordinator is also responsible for maintaining compliance with this Policy, state and federal nondiscrimination requirements, and record retention requirements.

Complaint Procedure and How to File a Complaint

Persons who believe they have been subjected to unlawful discrimination under this Policy may file a written complaint with the Civil Rights Coordinator:

Mail: City of Hesperia
Attn: City Civil Rights Coordinator
9700 Seventh Avenue
Hesperia, CA 92345

Email: Citymanager@cityofhesperia.us

Phone: [\[\(760\) 947-1909\]](tel:(760)947-1909)

A complaint should include all pertinent details, including, but not limited to, the date and circumstances of the incident(s) and the names of all persons involved, including witnesses.

If the complaint is made verbally, the Civil Rights Coordinator or their designee will ask the complainant to file a written complaint or, if that is not possible or the complainant requires assistance, the Civil Rights Coordinator or their designee will make a written record of the complaint or assist the complainant in doing so.

Upon receipt of a complaint, the Civil Rights Coordinator will review the complaint and then (1) gather and assess, using due diligence, all the facts the Civil Rights Coordinator deems necessary to resolve the complaint; (2) meet with the complainant, alleged discriminator(s), and any witness(es) separately and individually, unless an individual who is *not* a City employee, agent, or contractor declines to meet; and (3) use whatever means or methods the Civil Rights Coordinator deems necessary or appropriate to resolve the complaint based upon all facts gathered. The resolution will be consistent with the zero-tolerance policy for discrimination. The complainant will receive a copy of the findings from the investigation in writing within 20 business days after the Civil Rights Coordinator completes the Civil Rights Coordinator's assessment and attempted resolution. Should the Civil Rights Coordinator need additional time, the Civil Rights Coordinator will notify the Complainant in writing of the delay and extension before the expiration of 20 business days after receipt of the complaint. The Civil Rights Coordinator shall not use more than an additional 10 business days for the investigation and attempted resolution. If the complainant has not received a satisfactory response within 20 business days, and up to an additional 10 business days as provided above after reporting the incident, the complainant should immediately contact the Deputy City Manager, who as of August 31st, 2023 is Melinda Sayre at msayre@cityofhesperia.us], (760)947-1026], or 9700 Seventh Avenue, Hesperia, CA 92345 The Civil Rights Coordinator will maintain documentation of the investigation and resolution.

If the Civil Rights Coordinator receives a complaint against a property owner, landlord, or property manager, within 5 business days of the receipt of the complaint, the Civil Rights Coordinator shall also forward the complaint to the Department of Housing and Urban Development (HUD) and the California Civil Rights Department. The Coordinator shall also inform the complainant that the City's referral of a complaint does not qualify as a formal complaint filed with those agencies; the Coordinator shall also provide the complainant with information on how to file a formal complaint with these two agencies, including providing the information for HUD below.

When a complaint is received, the Civil Rights Coordinator will provide a copy of this Policy to the complainant free of charge. The City Civil Rights Coordinator shall maintain copies of the Consent Order in Case No. 5:19-cv-02298 AB (SPx), this Policy in English and in Spanish, and the HUD complaint form entitled "Are you a victim of housing discrimination?" in English and in Spanish, and make these materials freely available to anyone, upon request and without charge.

There are no deadlines for filing complaints with the Civil Rights Coordinator.

Note: Filing a complaint under this process does not necessarily meet the requirements under the California Tort Claims Act, Gov. Code §§ 810-996.6, which requires that persons seeking to sue a California public entity first file a claim form with the government entity.

Additional Resources, including Other Ways to File a Complaint

The procedure set forth above does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

All persons have the option to report discrimination to the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity. For additional information on making a complaint with HUD, please visit HUD's complaint website at <https://www.hud.gov/fairhousing/fileacomplaint>, or call 1-800-669-9777 or 1-800-877-8339 (TTY).

Deadlines do apply to filing complaints with HUD.

Anti-Retaliation

No one will be subject to any form of discipline, reprisal, intimidation, or retaliation for good-faith reporting of incidents of discrimination of any kind, pursuing any claim, or cooperating in an investigation into alleged discrimination.

Violations

All City employees, agents, and all persons acting for or with the City must report any apparent or alleged discrimination under this Policy to the Civil Rights Coordinator. Failure to do so constitutes a violation of this Policy.

Violations of this Policy may subject City employees to discipline, up to and including termination of employment; may subject City agents (including contractors) to termination of the contract or contractual relationship; and may result in the termination by the City of funding for or a contractual relationship with persons or organizations receiving federal funds administered by the City.

Failure to comply with fair housing laws may result in denial of an application for a rental housing business license or termination of a rental housing business license. See Hesperia Ordinance No. 5.72.010 *et seq.*