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NEBRASKA ADMINISTRATIVE CODE

TITLE 140 - NEBRASKA EQUAL OPPORTUNITY COMMISSION

CHAPTER 1 - Definitions and General Provisions for Fair Housing Act Complaint Proceedings

Issue Date:

NEBRASKA ADMINISTRATIVE CODE

TITLE 140 NAC 1

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TITLE 140: NEBRASKA EQUAL OPPORTUNITY COMMISSION

CHAPTER 1: Definitions and General Provisions for Fair Housing Act Complaint Proceedings

001 Scope and Definitions Incorporated

These definitions and other provisions of this Chapter shall apply to all chapters of Title 140 relating to the Fair Housing Act. The definitions found in Neb. Rev. Stat. *§§* 20-304 to 20-317, 20-319(6), 20-320(2), 20-322(4) (b), 20-327 and 20-333 are incorporated by this reference into all chapters of this Title.

002 Other Definitions

002.01 Act shall mean the Nebraska Fair Housing Act, *Neb. Rev. Stat. §§* 20-301 to 20-344 as amended.

002.02 Chair shall mean the Chairperson of the Nebraska Equal Opportunity Commission, or in the absence of Chair, the Vice Chair, or, in the absence of both, any member of the Commission designated by the Chair or a majority of the Commission to serve. The term "**Commissioner**" shall mean any member, including the Vice Chair and the Chair of the Commission.

002.03 Charge shall consist of a short and plain statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, shall be based on the final investigative report, and need not be limited to the facts or grounds alleged in the complaint filed under section 20-326.

002.04 Complaint shall mean a written statement under oath or affirmation, filed with the Commission by a person claiming to be aggrieved, setting forth time, place, and facts of an unlawful act alleged to have been committed by a respondent.

002.05 Complainant means the Commission or any person filing a complaint.

002.06 Conference shall mean a method in which the Commission brings together the complainant(s) and respondent(s) to a complaint, with or without witnesses, to give testimony in the course of an investigation.

002.07 Discriminatory practice or unlawful act shall mean any of the acts, conduct and matters defined as constituting discriminatory practice by *Neb. Rev. Stat*. *§§* 20-318 through 20-321, and section 20-344 of the Act.

002.08 Executive Director shall mean an employee of the Commission, selected by, and serving at the will of the Commission as Executive Director, who shall have such duties, powers and authority as may be conferred upon her or him by the Commission, subject to the provisions of the Act.

002.09 Party or parties shall mean either the complainant or the respondent, or both.

002.10 Personal service means handing a copy of the document to the person to be served or leaving a copy of the document with a person of suitable age and discretion at the place of business, residence or usual place of abode of the person to be served.

002.11 Receipt of notice means the day that personal service is completed by handing or delivering a copy of the document to an appropriate person or the date that a document is delivered by certified mail.

002.12 Respondent shall mean a person the person or entity accused in a complaint of a discriminatory practice and any other person or entity identified in the course of investigation and joined as a respondent pursuant to section 20-326(2) of the Act.

003 Constitutionality

If any section or any part of any section of 140 NAC 1 through 140 NAC 4 is declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.