

CHAPTER 9

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

Localities receiving Community Development Block Grants (CDBG) through the Michigan Strategic Fund (the MSF) are required to comply with various state and federal laws that provide for equal opportunity and non-discrimination in all aspects of the projects they undertake with those grants. Applicable state and federal laws were established to ensure that protected groups are not subjected to discrimination under any program supported in whole or in part with CDBG funds. The laws discussed in this chapter include provisions for extending opportunities to minority- and women-owned businesses (MBE/WBE), residents of project areas, training, and providing fair and equal access to housing.

Briefly, the various laws, regulations, and executive orders apply to four general areas:

- Project beneficiaries
- Employment opportunities
- Contracting opportunities
- Fair Housing

These laws are applicable to private businesses and contractors involved in the covered projects, as well as the Unit of General Local Government (UGLG) themselves. This chapter will describe the implementation procedures, compliance requirements, reporting, and recordkeeping responsibilities of the UGLG. A listing of applicable laws is provided in this chapter.

SECTION 1 – PROJECT BENEFICIARIES

The UGLGs are responsible for ensuring that laws regarding civil rights and equal opportunity are adhered to throughout implementation of a CDBG project. Specifically, UGLGs are responsible for ensuring and monitoring their performance in meeting statutory requirements provided in related laws.

PROJECT BENEFICIARIES

The applicable state and federal laws provide that no person in the United States shall, on the grounds of race, color, national origin, religion, sex, familial status, and/or physical handicap, be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part by CDBG funds. In CDBG funded projects, recipients are prohibited from practicing discrimination on the grounds of race, color, national origin, religion, sex, handicap, or familial status. This prohibition applies directly to the UGLG and to all project contractors or subcontractors. Beneficiaries should be determined, and demographic data compiled, with this information made available in the project file for public review.

For purposes of the CDBG program, the term **direct beneficiary** is defined as a person or family receiving a direct service (benefit) for which they are required to either complete a personal income verification form, or submit an application for the purpose of demonstrating eligibility under a particular criteria (such as income limit). The term **indirect (area) beneficiary** is defined as a person or family who receives a service (benefit) that is equally provided to the whole community or a targeted portion of the community.

As an example, a new job created as a result of a CDBG economic development project would be considered a direct benefit to the persons hired in the newly created jobs. Replacing a water line that serves the entire community or target area would fall under the definition of an indirect (area) benefit; however, providing hookup into a municipal water or sewer system is considered a direct benefit and eligibility must be demonstrated as described in the previous paragraph. Street paving would ordinarily be considered an indirect (area) benefit, as would a new water tower or wastewater treatment system improvement.

This prohibition applies directly to the UGLG and to all project contractors or subcontractors involved in the project. For the purpose of documenting compliance at the development stage of the project, project beneficiaries must be identified by assessing demographic data, and the information must be available for public review at the UGLG's office(s). Beneficiaries will be identified at the Application stage, as discussed in the State of Michigan CDBG Program's Funding Guide, either through income information from the census or another US Department of Housing and Urban Development (HUD) acceptable survey methodology, or by determining which families are likely to benefit directly from the project.

Documentation of beneficiaries served will be reported on a semi-annual basis for projects that involve job creation/retention. Beneficiary information provided for other types of projects is reported at the time of close-out under a project close-out report found in Chapter 13. The UGLGs are required to maintain beneficiary information by race, ethnicity, and gender and submit this information at the time of close-out. This information is used by the State to complete the HUD performance evaluation report that is submitted to HUD annually.

SECTION 2 – EMPLOYMENT AND CONTRACTING OPPORTUNITIES

UGLG OPERATIONS

The UGLGs or their agents must not deny the opportunity for employment in any CDBG program or activity on the basis of race, color, religion, sex, or national origin, familial status, and/or physical handicap. For internal operations, the UGLGs must maintain statistical data on the number and percentage by race and gender of the personnel in any department, office, or agency of the unit of local government that is receiving funding under the project.

Public or private entities performing professional services under contract to a UGLG, such as a regional planning organization or private consulting firm, are exempt from the requirement to track and maintain this data. However, they are prohibited from discriminating against any of the groups mentioned above in their hiring process. Businesses receiving assistance through an UGLG in order to develop or retain jobs must also maintain data on the number (and percentage) of employees by race and gender as provided by the UGLG in the CDBG Job Creation Summary Report (Form 13-F). Compliance with employment provisions related to Section 3 is discussed later in this Chapter.

The UGLGs must also make available a personnel policy manual during monitoring visits. The manual must contain language related to its hiring practices and the applicable civil rights and equal opportunity language. The UGLGs must also provide a sample hiring announcement in its equal opportunity file that documents equal opportunity advertising statements. The files should also contain any complaints filed and the associated resolutions.

CONSTRUCTION BIDDING

The UGLGs must ensure that discrimination does not occur in the solicitation and award of contracts through the development of nondiscriminatory advertising, distribution of solicitations, bid solicitations, bid specifications, and evaluation criteria. The UGLGs and its contractors that participate in the project are required to make affirmative efforts to employ minorities and women, and to maximize opportunities for minority- and women-owned businesses to participate in the CDBG project. Contractors are also prohibited from employment and other discrimination activities defined in the applicable civil rights and equal employment opportunity laws, including EO 11246. These provisions are covered in Chapter 4: Procurement and Contracting.

For the MEDC projects, the UGLGs are required to submit their contracts with developers and any bid documents with contractors to the CDBG Program Specialist for review and approval before executing these documents.

SECTION 3 – ECONOMIC OPPORTUNITIES

HUD SECTION 3

To the maximum extent feasible, UGLGs must also ensure that lower income residents that reside in affected project areas receive employment, training, and contracting opportunities. Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that to the greatest extent feasible, preference for economic opportunities, such as job training and employment that arise through HUD-assisted projects, shall be directed toward Section 3 residents and to business concerns which provide economic opportunities to these residents. Section 3 reporting and performance requirements apply to the UGLGs if the CDBG award amount is more than \$200,000, and to all contractors and subcontractors receiving more than \$100,000 if the \$200,000 threshold is met.

Section 3 persons are defined as low- and very low-income residents of public assisted housing, or other persons meeting the program criteria LMI who reside in the project area. Such preference shall be given first to residents inside the specific area covered by the project, followed by residents in the non-metropolitan county in which the project is located.

For purposes of Section 3, Low Income Persons are defined as follows:

1. A low-income person is defined as a person whose family income does not exceed 80% of the median family income for the area.
2. A very low-income person is defined as a person whose family income does not exceed 50% of the median family income for the area.
3. The person seeking training and employment under Section 3 provisions is responsible for providing evidence of eligibility for the preference. See Form 9-A Section 3 Resident Eligibility Certification.

Businesses covered by Section 3 (See Form 9-A1 Section 3 Business Concern Certification) are defined as follows:

1. Businesses with an ownership that represents at least 51% Section 3 residents.
2. Businesses which permanent, full-time employees include at least 30% of persons whom are currently Section 3 residents or, within three years of first employment with the business concern, were Section 3 residents.
3. Businesses that provide evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that provide economic opportunity to Section 3 residents.

A Section 3 covered contract is a contract or subcontract (including a professional services contract) awarded by the UGLGs or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project. Section 3 covered contracts do not include contracts for the purchase of supplies and materials. However, if the materials contract includes installation, then the contract constitutes a Section 3 covered contract. Section 3 requirements are triggered when a covered project creates the need for a new employment, contracting or training opportunities. Recipients are not required to hire Section 3 residents or award contracts to Section 3 businesses other than what is needed to complete covered projects/activities. If the expenditure of covered funding does not result in new employment, training or contracting, Section 3 requirements are not triggered, but the recipient must still submit reports indicating that the requirements were not triggered.

SECTION 3 NUMERICAL GOALS

The Section 3 regulations establish numerical goals that the UGLGs and covered contractors may strive to achieve to the greatest extent feasible:

1. A total of 30% of the aggregate number of new hires.
2. At least 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction going to Section 3 business concerns.
3. At least three% of the total dollar amount of all other covered Section 3 contracts going to Section 3 business concerns.

In addition, UGLGs are required to complete and maintain a Contract Solicitation & Section 3 Reporting Record (Form 9-D) for covered projects, including an internal record of efforts to involve Section 3 businesses in the funded project. This tool will allow the UGLG to verify solicitation of bids, price quotations, and proposals from all participating contractors and professional services providers. This report must be maintained in the project files for monitoring purposes.

For more information, please refer to the Section 3 Packet (Form 9-C1). The Section 3 Packet includes a Section 3 Overview; Section 3 Flow Chart; and Section 3 Compliance Certification.

SECTION 3 RESPONSIBILITIES

The UGLGs are responsible for the following to encourage the use of Section 3 businesses and compliance requirements:

1. Developing a Section 3 Policy for the UGLGs. Please refer to Form 9-B - Sample Policy.
2. Incorporating the purpose, policy, responsibilities, and a complaint process in the Section 3 Policy.
3. Developing a Section 3 Plan (Form 9-B1) for the UGLG and contractor(s).
4. Developing a Section 3 Plan for Subcontractors (Form 9-B2) for the UGLG and subcontractor(s) with contracts of more than \$100,000.
5. Implementing Procurement procedures that provide preference to Section 3 Business Concerns.
6. Developing a list of Section 3 businesses to be notified of opportunities for participation in project contracts. A registry of Section 3 Certified Businesses may be found on HUD's website (<http://www.hud.gov/Sec3Biz>). Please note the following disclaimer: "HUD has not verified the information submitted by businesses listed in this registry and does not endorse the services that they provide. Users of this database are strongly encouraged to perform due diligence by verifying Section 3 eligibility before providing preference or awarding contracts to firms that have self-certified their Section 3 status with the Department".
7. Notifying eligible Section 3 firms of contract opportunities. This can be accomplished by distributing public notices, including newspaper advertising, and/or sending information to disadvantaged businesses that could reasonably be expected to submit a bid. The UGLGs must ensure that all bid notices be distributed in a timely manner. Please refer to Chapter 4 – Procurement and Contracting for additional requirements regarding the advertising and direct solicitation of bids.
8. Ensuring contractors and subcontractors awareness of Section 3 goals and responsibilities, including Section 3 provisions in the construction contract.

9. A Section 3 Clause (Form 4-Q) is required to be included in all construction contracts. Refer to Chapter 4, Section 3 Procurement Procedures. Recordkeeping and reporting, to include submitting a Section 3 Summary Report (Form 9-C) and maintaining a Contract Solicitation & Section 3 Reporting Record (Form 9-D).
10. Monitor contractor and subcontractor compliance with applicable Section 3 provisions.
11. Obtain information from prime contractors on Section 3 accomplishments.

The UGLG should provide their Section 3 Policy to the MEDC during the monitoring visit. Section 3 Plans with participating contractors, and subcontractors if applicable, should be provided during the monitoring visit as well.

SECTION 4 – MINORITY & WOMEN BUSINESS ENTERPRISES (MBE)/(WBE)

MBE/WBE PARTICIPATION

The UGLGs and their agents are encouraged to utilize MBE/WBE in the CDBG projects. Although HUD does not specify a numerical goal for MBE and WBE participation in the CDBG projects, UGLGs are encouraged to undertake steps to encourage participation by these types of businesses.

In addition, UGLGs are required to complete and maintain a Contract Solicitation & Section 3 Reporting Record (Form 9-D) for covered projects, including an internal record of efforts to involve MBE/WBE businesses in the funded project. This tool will allow the UGLG to verify solicitation of bids, price quotations, and proposals from all participating contractors and professional services providers. This report must be maintained in the project files for monitoring purposes.

The UGLGs are required to maintain the Contract and Subcontract Activity Report (Form 4-P), formerly known as the Minority Business Participation Report, and submit each report to MEDC. The State must submit a consolidated Contract and Subcontract Activity Report to HUD annually. The Contract and Subcontract Activity Report is further discussed in Chapter 4.

MBE/WBE RESPONSIBILITIES

The UGLGs are responsible for the following to encourage the use of MBE/WBE businesses and compliance requirements:

1. Develop a list of minority-owned and women-owned businesses to be notified of opportunities for participation in project contracts. The local Chamber of Commerce or similar business association can often provide a listing of companies. Regional planning organizations may also serve as a source of information.
2. Notify eligible MBE/WBE firms of contract opportunities. This can be accomplished by distributing public notices, including newspaper advertising, and/or sending information to disadvantaged businesses that could reasonably be expected to submit a bid. The UGLGs must ensure that all bid notices, including Affirmative Action efforts, be distributed in a timely manner. Please refer to Chapter 4 – Procurement and Contracting for additional requirements regarding the advertising and direct solicitation of bids.
3. Monitor contractor and subcontractor compliance with applicable MBE/WBE provisions.

SECTION 5 – FAIR HOUSING

EFFORTS TO ADDRESS IMPEDIMENTS TO FAIR HOUSING CHOICES

Fair housing choice means that all persons have the same access to housing choices regardless of race, color, national origin, religion, sex, disability, familial status, or income level. An impediment to Fair Housing Choice is a barrier or an action that prevents a person from exercising that right. Some of those barriers may include a shortage of affordable housing, income variables, discrimination based on historical prejudices, and a lack of knowledge/education about fair housing choices. In some cases, ordinances, regulations, and policies may cause disparate impacts.

EFFORTS TO AFFIRMATIVELY FURTHER FAIR HOUSING

Title 1 of the Housing and Community Development Act of 1974, as amended, requires that the UGLGs receiving HUD funding (including states and their UGLGs) affirmatively further fair housing. This effort generally takes form in promoting and publicizing Fair Housing and Civil Rights laws. The UGLG must develop a method for documenting efforts to promote and monitor fair housing activities. This chapter provides examples of actions that can be taken to accomplish this requirement. Local conditions and needs should determine the type of activities undertaken. UGLGs must certify via resolution or ordinance that they will affirmatively further fair housing. For a sample fair housing ordinance, refer to Form 9-E – Fair Housing Ordinance. In addition to the fair housing certification, the UGLGs must have fair housing posters displayed and must undertake at least one additional activity to further fair housing which should be identified in their Fair Housing Plan. This information must be made available at the monitoring visit.

SUGGESTED FAIR HOUSING ACTIVITIES TO FURTHER FAIR HOUSING

1. Schedule fair housing activities during April, which is National Fair Housing Month. Many UGLGs adopt and publish a Fair Housing Month proclamation.
2. Post and publish any revisions to local fair housing policies that bring the UGLGs into compliance with current state and federal laws.
3. Encourage active participation in community efforts to enact strong fair housing policies.
4. Develop and display informational materials to promote local awareness of fair housing laws and guidelines (e.g. fair housing pamphlets and brochures, fair housing logo on official stationery, fair housing policy statements).
5. Display state and federal fair housing posters in places of public accommodation throughout the community.
6. Maintain a log of all fair housing activities performed.
7. Provide funding for local fair housing organizations and assist in their development.
8. Offer outreach, counseling, and referral services to aid LMI persons residing in areas of minority concentration to find assisted housing outside those areas.
9. Obtain housing units outside areas of minority concentration for use as assisted housing.
10. Acquire sites outside areas of minority concentration for the development of assisted housing.
11. Assemble a comprehensive inventory of available land suitable for the development of assisted housing.

12. Conduct educational programs focused on prospective homebuyers or renters, businesses, local government employees, and members of housing-related industries (e.g. real estate agents, mortgage lenders, builders, homeowners' insurance companies) regarding fair housing rights and responsibilities.
13. Develop public information and educational programs to provide fair housing and information to the community. Methods that can be used to inform and involve the public in fair housing awareness efforts may include, but are not limited to the following: canvassing the community through a mail campaign, such as inserting a flyer in local utility bills or tax statements; placing a public service announcement on local radio and or community cable television access channel, or sponsoring a fair housing poster contest in local schools the UGLGs can focus these programs on the following types of groups:
 - a. Citizen groups concerned with housing issues (fair housing groups, tenant associations).
 - b. Organizations representing specific population groups (minorities, women, senior citizens, families with children, single-parent families, etc.) known to have suffered from discriminatory practices in the past.
 - c. Other local organizations (advocacy groups, unions, voters' leagues). Use local resources to assess public opinion about the status of fair housing in the community. Suggested contacts for this effort could include:
 - Fair housing organizations.
 - Public/private community centers and social service facilities.
 - Civil rights advocacy groups.
 - Organizations representing minorities, women, senior citizens, persons with disabilities, and other protected groups.
14. Document actions taken at the local level to address fair housing impediments identified in a local study. Public notice of this activity, and/or other forms of public participation in the process, can be considered as a qualified furtherance action.
15. Encourage local lending institutions, realtors, insurers, and other housing-related service providers to include the fair housing logo and policy statements in all advertising done through the internet or related means, such as community information networks, local cable access channels, etc.
16. Facilitate development of a local Habitat for Humanity chapter in your jurisdiction, or support activities of local chapters already in existence.
17. Invite a representative from a federal or state agency concerned with fair housing issues to a local advocacy group meeting or informational program.

While the MSHDA awards the State of Michigan's CDBG housing grants (which naturally involve fair housing compliance), it is important to note that CDBG grants awarded by the MEDC are also covered by the Federal Fair Housing requirements and the UGLGs must comply with the provisions above notwithstanding the nature/purpose of their specific CDBG award.

COMPLAINT PROCESSING

If a complaint arises, a full report should be sent to the CDBG Program Specialist and made available during the monitoring visit. The MEDC will then forward the complaint to HUD and corrective action will be decided upon. The UGLGs must maintain a local fair housing complaint process. A sample complaint process is provided in Form 9-F – Housing Discrimination Complaints.

SECTION 6 – OTHER COMPLIANCE REQUIREMENTS

SECTION 504 COMPLIANCE

The UGLGs are required to certify that they will comply with provisions of Section 504 of the Rehabilitation Act of 1973, as amended. Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual shall, solely by reason of his or her handicap, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funds.

Section 504 regulations define an individual with a disability as any person who has a physical or mental disability that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself. The law also applies to individuals who have a history of such impairments, as well as those who are perceived as having such an impairment. A person who meets the above definition, and who is otherwise qualified for the program, service, or activity, is covered under Section 504.

To comply with the provisions of the Act, all UGLGs are required to conduct a self-evaluation of accessibility to determine if their current programs, services, policies, and practices meet the requirements of Section 504 of the Rehabilitation Act of 1973. Including persons with disabilities in completing the self-evaluation process is important to completing a meaningful product. For a sample of how to conduct and document a self-evaluation, please see Form 9-G Section 504 ADA Self-Evaluation. Evidence of performing the self-evaluation must be made available at the monitoring visit. The UGLGs should take the following steps, as recommended by HUD, in completing the self-evaluation:

1. Evaluate current policies and practices and analyze them to determine if they adversely affect the full participation of individuals with disabilities in its programs activities and services.
2. Modify any policies and practices that are not or may not be in compliance with Section 504 regulations.
3. Take appropriate corrective steps to remedy those policies and practices which either are discriminatory or have a discriminatory effect.

All UGLGs are required to conduct and document a self-evaluation. For a sample, refer to Form 9-G, Section 504 ADA Self-Evaluation. For UGLGs that have 15 or more employees the following additional Section 504 requirements apply; UGLGs with less than 15 employees are excluded from these additional Section 504 requirements.

- The UGLGs that employ 15 or more employees must designate at least one person to be responsible for 504 activities and adopt a grievance procedure to address 504 complaints. A grievance procedure must be made available at monitoring Please see Form 9-I Grievance Procedure under Section 504 - Sample.
- If the UGLG employs 15 or more employees, the UGLG must also notify all parties associated with the project that they may not discriminate based on handicap. Please see Form 9-J Non-Discrimination on Basis of Handicap for a sample notice. If applicable, this must be made available at monitoring.

The UGLG is required to publish a notice in the newspaper stating compliance with the provisions of Section 504. The notice must identify the individual designated to coordinate Section 504 compliance. The notice or full-page advertisement must be placed in the file and must be available during monitoring visits. Other notification processes may also be used, including distributing fliers, posting notices, and providing other written materials.

The UGLG will need to demonstrate to the MEDC that they are following these rules by providing the self-evaluation form, designation form, and published notice during the monitoring visit.

The UGLG should be aware of the need to provide appropriate communication devices that may be necessary to provide for access to programs and services. Further, the UGLG should be aware of needs for employee accommodations in their own operations. The UGLG should also be familiar and comply with the provisions of the Americans with Disabilities Act (ADA) in administering its project.

The UGLGs aiding businesses to construct new facilities must comply with Section 504 and the ADA as it pertains to accessibility.

Alterations to existing non-housing facilities shall, to the maximum extent feasible, be made readily accessible to and usable by individuals with handicaps. For the purpose of this paragraph, the phrase *to the maximum extent feasible* shall not be interpreted as requiring that the UGLGs make a non-housing facility, or element thereof, accessible if doing so would impose undue financial and administrative burdens on the operation of the UGLG's program or activity.

Programs that involve non-housing facilities shall be operated so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This does not:

1. necessarily require the UGLGs to make each of its existing non-housing facilities accessible to and usable by individuals with handicaps.
2. in the case of historic preservation programs or activities, require the UGLG to take any action that would result in a substantial impairment of significant historic features of an historic property.
3. require the UGLGs to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, the UGLGs shall take any action that would not result in such an alteration or such burdens, but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

The UGLGs that are assisting the construction of housing developments must also ensure that those developments comply with the Section 504 provisions regarding set asides of apartments for groups with specific disabilities. These rules are not likely to apply to MEDC UGLGs since the program does not support the rehabilitation or construction of housing facilities. However, if a UGLG believes that their project does trigger these requirements they should contact their CDBG Program Specialist.

EXCESSIVE FORCE POLICY

All UGLGs must certify compliance with the regulations under CFR 91.225 (b)(5), (also known as the Armstrong Walker Amendment) which prohibits the use of excessive force by law enforcement agencies within their jurisdiction against any individuals engaged in non-violent civil rights demonstrations. Further, and in case where a jurisdiction has no police department, the UGLG must also certify that it has adopted and is enforcing a policy against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction. The Excessive Force policy must be made available during the monitoring visit. For a sample of such a policy, please see Form 9-K Excessive Force Policy – Sample.

SECTION 7 – RECORDKEEPING

CIVIL RIGHTS, SECTION 3, AND CONTRACTING

The MEDC staff will monitor for program compliance through a review of reports and site visits to project sites. The following records should be maintained in the UGLG program files:

- Equal opportunity advertising statements and policies.
- Statements on hiring policies.
- Personnel manuals.
- Employment data summaries.
- Section 3 employment efforts and business utilization reports from contractors.
- Data on distribution of direct and indirect benefits.
- Contract records documenting civil rights compliance in contract procurement, and proof of inclusion of all applicable civil rights certifications in project contracts.
- Complaints, if any, and their resolution.
- Actions taken to reduce impediments to fair housing.
- Policies adopted and enforced regarding fair housing and use of excessive force.
- The internal Contract Solicitation & Section 3 Reporting Record (Form 9-D), along with the copies of Contract and Subcontract Activity Report (Form 4-P), when submitted to the MEDC staff.

SECTION 8 – APPLICABLE LAWS

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED (42 U.S.C. 2000D)

This Act states that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance based on race, color, or national origin. Regulation citation: 24 CFR Part 1.

TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, AS AMENDED

This Act prohibits discrimination in the sale or rental of units in the private housing market against any person on the basis of race, color, religion, sex, national origin, familial status, or handicap. Regulation citation: 24 CFR Parts: 105, 108, 109, 110, and 115; Part 200 subpart M.

SECTION 109 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1974, AS AMENDED

This Act requires that no person be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded under the Community Development Block Grant Program (CDBG) on the basis of race, color, age, disability, religion, national origin, or sex. Regulation citation: 24 CFR 570.602.

AGE DISCRIMINATION ACT OF 1975, AS AMENDED

This Act states that programs receiving federal assistance may not discriminate on the basis of age, unless an age distinction is necessary to accomplish the objective of the program. Regulation citation: 45 CFR Part 91.

SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

This Act states that no otherwise qualified individual may be excluded solely because of his/her handicap from participation in, the benefits of, or subject to discrimination under any program or activity receiving federal financial assistance. Regulation citation: 24 CFR Part 8.

ARCHITECTURAL BARRIERS ACT OF 1968, AS AMENDED (42 U.S.C. 4151-41-57)

This Act requires that certain federally funded buildings or facilities be designed, constructed, or altered to ensure accessibility to, and use by, physically handicapped persons. Buildings or facilities allocated or reallocated CDBG funds after December 11, 1995, that meet the definition of “residential structure” (as defined in 24 CFR 40.2) or the definition of “building” (as defined in 41 CFR 101-19.602(a)) are subject to the Architectural Barriers Act and must

comply with the Uniform Federal Accessibility Standards. Regulation citation: Appendix A to 24 CFR Part 40 for “residential structures” and Appendix A to 41 CFR Part 101-19 for “general buildings”.

AMERICANS WITH DISABILITIES ACT (ADA)

This Act provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. The ADA also states that discrimination includes the failure to design and construct facilities (built for first occupancy after January 26, 1993) that are accessible to, and usable by, persons with disabilities. The ADA also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplishable, and able to be carried out without much difficulty or expense. Regulation citation: 42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225.

CHAPTER 9 FORMS

- 9-A Section 3 Resident Eligibility Certification
- 9-A1 Section 3 Business Concern Certification
- 9-B Section 3 Policy SAMPLE
- 9-B1 Section 3 Plan for General Contractor
- 9-B2 Section 3 Plan for Subcontractors
- 9-C Section 3 Summary Report, HUD-60002
- 9-C1 Section 3 Packet: Section 3 Overview; Section 3 Flow Chart; and Section 3 Compliance Certification
- 9-D Contract Solicitation and Section 3 Reporting Record
- 9-E Fair Housing Ordinance SAMPLE
- 9-F Housing Discrimination Complaints SAMPLE
- 9-G Section 504 ADA Self-Evaluation
- 9-I Grievance Procedure SAMPLE
- 9-J Non-Discrimination on Basis of Handicap SAMPLE
- 9-K Excessive Force Policy SAMPLE