

Community Development Block Grant Toolkit on Crosscutting Issues

Module 5: Fair Housing and Non-discrimination

Module 5 of the Community Development Block Grant Toolkit contains the statutes, regulations, forms and other documents that guide fair housing and non-discrimination practices in HUD programs. This module also contains guidance on economic opportunities in contracting and employment, including the Section 3 job training and employment program, and Minority Business Enterprise and Women's Business Enterprise requirements.

The resources contained in this module are current as of August 2009. To ensure that you are using the most updated information, please visit HUD's Fair Housing and Equal Opportunity web page: http://portal.hud.gov/portal/page/portal/HUD/program_offices/fair_housing_equal_opp or the HUDCLIPS web page: <http://www.hud.gov/offices/adm/hudclips/>.



Please click on the title to access the resources listed below in electronic format.

Contents:

Part I: Fair Housing

● Applicable Statutes

- Title VI of the Civil Rights Act of 1964 and as amended in 1988
- Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619)
- Title II of the Civil Rights Act of 1968 (25 U.S.C. 1301-1303, Indian Civil Rights Act)
- Section 3, Housing and Urban Development Act of 1968
- Architectural Barriers Act of 1968
- Title IX of the Education Amendments Act of 1972
- Section 504 of the Rehabilitation Act of 1973
- Section 508 of the Rehabilitation Act of 1973
- Section 109 of Title I of the Housing and Community Development Act of 1974
- Section 104(b)(2) of the Housing Community Development Act of 1974
- Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act of 1990
- Housing for Older Persons Act of 1995 (HOPA)

● **Applicable Executive Orders**

- Executive Order 11063: Equal Opportunity in Housing, November 20, 1962 (*State and Entitlement Community Development Block Grant grantees*)
- Executive Order 11246: EEO and Affirmative Action Guidelines for Federal Contractors Regarding Race, Color, Gender, Religion, and National Origin, September 25, 1965
- Executive Order 11375: Amending Executive Order No. 11246, October 13, 1967
- Executive Order 12086: Consolidation of contract compliance functions for equal employment opportunity, October 5, 1978
- Executive Order 12892: Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, January 17, 1994
- Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994
- Executive Order 13166: Improving Access To Services For Persons With Limited English Proficiency, August 11, 2000
- Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities, June 19, 2001
- Executive Order 13330: Human Service Transportation Coordination, February 24, 2004

● **Applicable Regulations**

- 24 Code of Federal Regulations Part 1: Nondiscrimination in Federally Assisted Programs of HUD
- 24 Code of Federal Regulations Part 3: Nondiscrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance
- 24 Code of Federal Regulations Part 5.105: Other Federal Requirements
- 24 Code of Federal Regulations Part 6: Nondiscrimination in Programs, Activities Receiving Assistance under Title I of the Housing and Development Act of 1974
- 24 Code of Federal Regulations Part 8: Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development
- 24 CFR Code of Federal Regulations Parts 50.4 (l) and 58.5 (j): Environmental Justice
- 24 Code of Federal Regulations Part 91.225 (a)(1): Affirmatively Furthering Fair Housing

- 24 Code of Federal Regulations Part 91.325 (a)(1): Affirmatively Furthering Fair Housing (*State Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 91.325(b)(5): Compliance with Anti-discrimination laws
- 24 Code of Federal Regulations Part 91.520: Performance Reports
- 24 Code of Federal Regulations Parts 100-125: Fair Housing
- 24 Code of Federal Regulations Part 107: Non-discrimination and Equal Opportunity in Housing Under Executive Order 11063 (*State Community Development Block Grant grantees*)
- 24 CFR Part 121: Collection of Data
- 24 CFR Part 135: Economic Opportunities for Low- and Very Low-Income Persons
- 24 CFR Part 146: Non-discrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance
- 24 Code of Federal Regulations Part 570.206(c): Fair Housing Activities
- 24 Code of Federal Regulations Part 570.487(b): Affirmatively Furthering Fair Housing
- 24 Code of Federal Regulations Part 570.487(e): Architectural Barriers Act and Americans with Disabilities Act (*State Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 570.490(a)(b): Recordkeeping requirements
- 24 Code of Federal Regulations 570.491: Performance Reviews and Audits
- 24 Code of Federal Regulations Part 570.495(b): HCDA Section 109 nondiscrimination (*State Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 570.506(g): Fair Housing and equal opportunity records
- 24 Code of Federal Regulations Part 570.601: Affirmatively Further Fair Housing
- 24 Code of Federal Regulations Part 570.602: HCDA Section 109 nondiscrimination (*Entitlement Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 570.608 and Part 35: Lead-Based Paint
- 24 Code of Federal Regulations Part 570.614: Architectural Barriers Act and Americans with Disabilities Act (*Entitlement Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 570.904: Equal Opportunity and Fair Housing Review (*Entitlement Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 570.912: Nondiscrimination compliance

● HUD Notices

- Community Planning and Development 05-03: Implementing the New Freedom Initiative and Involving Persons with Disabilities in the Preparation of the Consolidated Plan through Citizen Participation (issued June 6, 2005)
- Community Planning and Development 05-09: Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program (issued November 3, 2005)
- Community Planning and Development 05-10: Accessibility for Persons with Disabilities to Non-Housing Programs funded by Community Development Block Grant Funds – Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Architectural Barriers Act (issued November 3, 2005)

● Other HUD Documents

- Handbook 6509.2, Rev-5: Community Planning and Development Monitoring Handbook-Chapter 22: Fair Housing and Equal Opportunity
- Fair Housing: Equal Opportunity for All (HUD 1686, English)
- Fair Housing: Equal Opportunity for All (HUD 1686-1, Spanish)
- Civil Rights Threshold Requirements and Other Threshold Requirements from HUD's Fiscal Year (FY) 2009 Notice of Funding Availability (NOFA); Policy Requirements and General Section; NOFAs for Discretionary Programs
- Occupancy Standards – Keating Memorandum (March 1991)
- Fair Housing Act Design Manual (Revised April 1998)
- Fair Housing Planning Guide, Volume 1 (March 1996) is available on the Internet and Volume 2 (out of print)
- Discrimination Against Persons With Disabilities: Testing Guidance for Practitioners (July 2005)
- Joint Letter on Analysis of Impediments to Fair Housing Choice (August 4, 2004)
- Fair Housing News
- Reasonable Accommodations under the Fair Housing Act: Joint Statement of the Department of Housing and Urban Development and the Department of Justice
- Report On Section 504 Self-Evaluation Of HUD Conducted Programs And Activities – Phase I (March 2005)
- Handbook 8003.2, Fair Housing and Equal Opportunity Monitoring of Community Development Programs

- Guidelines for FHEO Implementation of HUD Policy on Race and Ethnicity Data (November 2002)
- Webcast – FHEO: Civil Rights/Affirmatively Furthering Fair Housing, July 1, 2009
- Webcast – Affirmatively Furthering Fair Housing, July 22, 2009

● Other Documents

- Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (*Federal Register*, January 22, 2007)
- Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance
- Language Identification Flash Cards 2004
- ADA Title II Technical Assistance Manual (Department of Justice, 1993, with yearly supplements)
- ADA Title III Technical Assistance Manual (Department of Justice, 1993, with yearly supplements)
- ADA Guide for Small Towns (Department of Justice, March 2000)
- The ADA and City Governments: Common Problems
- ADA Questions and Answers (Department of Justice & Equal Employment Opportunity Commission, August 2002)

● Forms

- HUD 903.1: Are You a Victim of Housing Discrimination? (English)
- HUD 903.1A: Are You a Victim of Housing Discrimination? (Spanish)
- HUD 903.1B: Are You a Victim of Housing Discrimination? (Chinese)
- HUD 903.1C: Are You a Victim of Housing Discrimination? (Arabic)
- HUD 903.1CAM: Are You a Victim of Housing Discrimination? (Cambodian)
- HUD 903.1F: Are You a Victim of Housing Discrimination? (Vietnamese)
- HUD 903.1KOR: Are You a Victim of Housing Discrimination? (Korean)
- HUD 903.1R: Are You a Victim of Housing Discrimination? (Russian)
- HUD 928.1: Fair Housing Poster (English)
- HUD 928.1A: Fair Housing Poster (Spanish)

● Sample Grantee Policies/Procedures

- Maine Office of Community Development, Civil Rights Technical Assistance Manual

● Training Materials

- Training Curriculum
 - Trainer Guide
 - PowerPoint Presentation
 - “Top Seven Keys to Affirmatively Further Fair Housing”
 - Case Study – Fair Housing
 - Case Study – Limited English Proficiency
 - Discussion Questions
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Part II: Section 3 Program

● Applicable Statute and Regulations

- Section 3 of the Housing and Urban Development Act of 1968
- 24 Code of Federal Regulations Part 91.325(a)(8): Section 3 Certification
- 24 Code of Federal Regulations Part 135: Economic Opportunities for Low- and Very Low-Income Persons
- 24 Code of Federal Regulations Part 570.607(b): Section 3 (*Entitlement grantees*)
- 24 Code of Federal Regulations Part 570.487(d): Section 3 (*State grantees*)

● Other HUD Documents

- Section 3 Frequently Asked Questions (FAQ)
 - Fact Sheet on Section 3
 - Section 3 Plan (SAMPLE)
 - Examples of Procurement Procedures That Provide for Preference for Section 3 Business Concerns
 - Form HUD 60002: Section 3 Summary Report
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Part III: Minority Business Enterprise/Women’s Business Enterprise

● Applicable Executive Orders and Regulations

- Executive Order 11625 – Prescribing additional arrangements for developing and coordinating a national program for minority business enterprise

- Executive Order 12138 – Creating a National Women's Business Enterprise Policy and prescribing arrangements for developing, coordinating and implementing a national program for women's business enterprise
- Executive Order 12432 – Minority Business Enterprise Development (*State Community Development Block Grant grantees*)
- 24 Code of Federal Regulations Part 85.36(e) (*Entitlement grantees*)
- HUD Acquisition Regulation (HUDAR), Part 2426 Other Socioeconomic Programs, Subpart 2426.70 Minority Business Enterprises (February 2006)

● HUD Documents

- Guidance on Minority Business Enterprise/Women's Business Enterprise Outreach
- HUD Form 2516 – Contract and Subcontract Activity

Related Resources:

HUD Fair Housing and Equal Opportunity (FHEO)

http://portal.hud.gov/portal/page/portal/HUD/program_offices/fair_housing_equal_opp

National Fair Housing Training Academy (NFHTA)

<http://www.nfhta.org/>

HUD Fair Housing Assistance Program (FHAP). This program strengthens nationwide fair housing efforts by helping individual State and local governments administer laws of their own that are consistent with the Federal Fair Housing Act.

<http://www.hud.gov/offices/fheo/partners/FHAP/index.cfm>

HUD Fair Housing Initiatives Program (FHIP). This program provides funding to public and private organizations that develop programs that are designed to prevent or eliminate discriminatory housing practices.

<http://www.hud.gov/offices/fheo/partners/FHIP/fhip.cfm>

Fair Housing Accessibility FIRST is an initiative designed to promote compliance with the Fair Housing Act design and construction requirements. The program offers comprehensive and detailed instruction programs, useful online web resources, and a toll-free information line for technical guidance and support.

<http://www.fairhousingfirst.org>

Toll-Free Design and Construction Resource Center: (888) 341-7781 (V/TTY)

TTY users: After dialing, press one.

Information and Technical Assistance on the Americans with Disabilities Act

<http://www.ada.gov>

ADA Technical Assistance CD-ROM

<http://www.ada.gov/cdorderform/adatacd1.htm>

Housing Discrimination Hot Line:

1-800-669-9777 (Voice)

1-800-927-9275 (TTY)

ADA Information Line:

1-800-514-0301 (voice)

1-800-514-0383 (TTY)

Limited English Proficiency (A Federal Interagency Website)

<http://www.lep.gov/>

Section 3 - Economic Opportunities

<http://www.hud.gov/offices/fheo/section3/section3.cfm>

Whom to Contact:

HUD FHEO Headquarters Directory:

<http://www.hud.gov/offices/fheo/fheodir.cfm>

HUD FHEO Regional Offices:

<http://www.hud.gov/offices/fheo/aboutfheo/fhhubs.cfm>