



and

**Office of Community Development
Fair Housing Month Luncheon & Training**

**Civil Rights
Technical Assistance Training**

April 25, 2013

Ohio

**Development
Services Agency**

Fair Housing and Equal Opportunity laws are like an umbrella...

intended to protect individuals from discrimination in housing, employment, through business opportunities such as contracting, or through other benefits created by CDBG projects.



FAIR HOUSING AND NON-DISCRIMINATION LAWS & EXECUTIVE ORDERS

- ▶ **Fair Housing Act**
- ▶ **Title VI of the Civil Rights Act of 1964**
- ▶ **Section 504 of the Rehabilitation Act of 1973**
- ▶ **Section 109 of the Housing and Community Development Act of 1974**
- ▶ **Americans with Disabilities Act of 1990**
- ▶ **Architectural Barriers Act of 1968**
- ▶ **Age Discrimination Act of 1975**
- ▶ **Title IX of the Education Amendments Act of 1972**
- ▶ **Executive Orders 11063, 11246, 12892, 12898, 13166, & 13217**

Affirmatively Furthering Fair Housing

The Fair Housing Act imposes an “affirmative” obligation to further fair housing ...

“...action must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation.”



STATE of OHIO
Standard
Fair Housing Program

**Local
Fair Housing
Contact**

- **Complaint intake**
- **General information**
- **Assistance if filing complaints with HUD or OCRC**

Education

- **Fair Housing symposium in each CDBG and/or HOME target area or target population**
- **Fair Housing education to elementary or high school students**
- **Fair Housing education in general civic groups**

**Information
Materials**

- **Production of effective fair housing informational materials**
- **Distribution to 10 key locations in a community**

**Analysis of
Impediments**

- **Clear analysis of collected information**
- **Identified impediments, fair housing concerns and problems**
- **Changes needed to remedy or overcome the impediments**
- **A plan of action with a timetable or schedule to remedy the problems**
- **Records reflecting the analysis and showing actions taken to overcome the effects of the impediments**

FAIR HOUSING CONTACT

Each community is required to:

- ▶ Publish a phone number for local residents to call who with fair housing questions or complaints.
- ▶ Designate an employee of the unit of local government, to act as the Fair Housing Contact, who will generally be accessible Monday through Friday during regular business hours to receive phone calls and inquiries.
- ▶ Establish a system to record the nature of the calls, the action taken and result of the action taken.
- ▶ Establish and implement a process to receive fair housing complaints and forward the complaints to the Ohio Civil Rights Commission, which is charged with investigation and enforcement.
- ▶ Records must describe the type of referral, copies of housing discrimination complaint records, date of the referral, and any follow-up action.

Fair Housing Education

Communities are required to conduct training and provide education materials to:

- Residents of areas in which CDBG or HOME activities are being undertaken; or to special populations affected by the activities; and to three additional civic groups, organizations or schools.
- Training should address identified impediments to fair housing, if possible.
- Records must include an agenda, sign-in sheets or a description of the audience, marketing or promotional materials, meeting minutes, copy of training materials and any follow-up for each training.

Fair Housing Outreach

- ▶ Develop and distribute fair housing information and materials (posters, brochures, or materials) **QUARTERLY** to at least 10 area agencies, organizations, or public events throughout program period.
- ▶ The telephone number (including a telephone number for use by the hearing impaired) of the local fair housing contact must be included in this information or materials.
- ▶ A list of the places of distribution, proof of distribution, dates of distribution, and quantities of material distributed must be maintained.

HUD's 2013 Campaign Posters, Print & Radio Ads

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/12fairhousingmonth

Analysis of Impediments to Fair Housing Choice (AI)

Is an ongoing process for identifying fair housing concerns, existing conditions or barriers that limit housing choice and a plan for mitigating or remedying the impediments

AI must include:

1. Clear analysis of collected information;
2. Identify fair housing impediments, problems and concerns;
3. Outline changes needed to remedy or overcome the impediments;
4. Include a plan of action with a timeline; and
5. Records showing actions taken.



Fair Housing Records include:

Analysis of Impediments to Fair Housing (AI) including:

- updates, Action Plan and Evidence of Implementation;

Implementation of Annual Fair Housing Program:

- Record of complaints and action taken or resolution;
- Administrative Contract, if applicable;
- Training documentation – includes sign-in sheet, agenda, minutes, copy of materials used and marketing information for each training; and
- Outreach documentation – evidence of quarterly distribution and copy of written educational materials used.

A Copy of the local Fair Housing Resolution or Ordinance, news articles, etc. should also be in file.



Equal Employment Opportunity (EEO)

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

For more information- <http://www.eeoc.gov/>



2013 EEOC Federal Training Courses

<http://www1.eeoc.gov//eeoc/newsroom/release/3-7-13.cfm?renderforprint=1>

EEO RECORDS



- Written EEO policy and Affirmative Action Plan
- Designate an EEO Officer
- EEO Reports - usually EEO-4 Survey
- Employment information on positions filled with CDBG/HOME funds
- Any records of Employment Discrimination complaints
- Steps taken to ensure non-discrimination in employment
- Drug-Free Workplace Policy Statement, should also be kept in this file.

SECTION 504



- “**N**o qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Web link:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504docs

Americans with Disabilities Act (ADA)

also protects individuals with disabilities

ADA was revised in 2012

Web link- <http://www.ada.gov>



Section 504/ADA File should include:

- Designation of EEO/ ADA Coordinator
- Copy of any Section 504 and/or ADA Policies including Grievance Procedures
- Section 504 and/or ADA Assessments, Action Plans and Updates
- Any records of actions taken to make programs, facilities and employment more accessible to individuals with disabilities

UFAS ACCESSIBILITY CHECKLIST

<http://www.hud.gov/offices/fheo/library/UFASAccessibilityChecklistforPHAs-5-7-08.pdf>

Section 3

Economic Opportunity For Low- & Very-Low Income Persons

Requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.



http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3

File should include:

- Section 3 Plan
- Documentation of Local Outreach to Section 3 Businesses and Individuals
- Record of Result of Outreach

NOTE: Section 3 efforts are reported semi-annually on Notice of Contract Award (NOCA) Reports for DSA grantees

Minority and Women's Business Enterprises (MBE/WBE)

Records include:

- Copy of MBE/WBE Policy
- Evidence of Solicitation
- Documentation of Contract Awards



NOTE: MBE/WBE efforts are also reported semi-annually on the Notice of Contract Awards (NOCA) Report for ODSA grantees

Minority Business Assistance Centers (MBAC) -
http://www.development.ohio.gov/bs/bs_mbac.htm

NOTICE OF CONTRACT AWARD

Grantee: ALLEN CNTY	Grant Number: B-F-10-1AB-1
Administrative Contact: Executive Director. Tom Mazur	
Phone: 419-228-1836	Reporting Period: 05/01/2012 To 10/30/2012
Fax Number: 419-228-3891	Email Address: tmazur@lacr.p.com

Instructions: DO NOT ALTER GRANTEE, GRANT NBR. OR REPORTING FIELDS-Report all prime contracts, subcontracts or changes that exceeded \$1,000 and were awarded during this reporting period. (Do not report contracts or change orders that were previously submitted.) The information on this form must be reported regardless of whether the grantee contracts or loans the funds to a third party (i.e. a grant or loan to rehab their home). Copy this form as needed. **All Requested information must be submitted for each contract.**

Contractor's Tax Identification Number or Social Security Number	Type of Contract:	Contractor:
	<input type="checkbox"/> 1. Construction <input type="checkbox"/> 2. Education/Training <input type="checkbox"/> 3. Other (Specialty) _____	<input type="checkbox"/> 1. Prime Contractor <input type="checkbox"/> 2. Subcontractor
Contractor's Company Name		Phone Number:
Address (Street, City, State, Zip Code)		

Contractor or Subcontractor Business: Racial/Ethnic Codes

1. White 3. American Indian/ Alaskan Native 5. Asian/Pacific Islander
 2. Black 4. Hispanic 6. Hasidic Jew

Women Owned Business: (1) Yes, (2) No.

Section 3 Contractor: (1) Yes, (2) No. (see <http://www.hud.gov/offices/ftheo/section3/section3.cfm>)

Type of Activity: (Check Only All that Apply)

1. Rehab/Housing Construction 4. Acquisition 7. Economic Development
 2. Public Facility 5. Demolition 8. Homeless Activities
 3. Public Service 6. Admin/ Impl/ Planning/ Fair Housing 9. Other (Specify) _____

Total Contract or Subcontract Amount	Grant Funds from this Grant Number included in total Contract Amount	Date Contract or Change Order Signed

Name, email and Phone Number of Person Completing this Report: _____

Last Revised: Sept/2007, P://FISCAL/Cont_info.frx, P://COMP/Cont_info.frx

Notice of Contract Award Report

Part of the grantee Performance Report

Includes MBE/WBE and Section 3 information



Collection of certain data

Sec. 808a. [42 U.S.C. 3608a]

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI... and title VIII, the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary.....

Page 3 of the Final Performance Report

DATE PRINTED: 10/22/2012

OHIO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FINAL PERFORMANCE REPORT
PERIOD COVERED: 09/01/2010 TO 02/29/2012
PAGE NO: 4 of 4

ALLEN CNTY

FIELD REPRESENTATIVE: D.J. Pasquariello

B-F-10-1AB-1

GRANT AMOUNT:\$ 258,000

III. BENEFICIARIES

(CIVIL RIGHTS DATA: ENTER THE NUMBER OF PERSONS BENEFITING)

ACTIVITY*	TOTAL PERSONS BENEFITING	TOTAL PERSONS PROPOSED/ACTUAL	NBR OF LOW/MOD PERSONS	NBR OF LOW INCOME 31-50%	NBR OF VERY LOW INCOME 0-30%	**Note: Hispanic is no longer considered a race, but rather an ethnicity. Members of any race may be considered Hispanic. For example to report: Asian and White: <u>25/3</u> would indicate a total of <u>25</u> Asian and White with <u>3</u> of that total being an Ethnicity of Hispanic or Latino.										
						(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
01-Sewer Fac. Improvements	22/			N/A	N/A	On the attached sheet, include the applicable Census Tract(s) and Block Group(s) for the service area.										
Survey	73.00%															
02-Flood & Drainage Fac.	838/			N/A	N/A	On the attached sheet, include the applicable Census Tract(s) and Block Group(s) for the service area.										
Census	67.10%															
03-Street Improvements	52/			N/A	N/A	On the attached sheet, include the applicable Census Tract(s) and Block Group(s) for the service area.										
Census	52.08%															

* For Area Wide and S/B Activities, grantees Must submit the Census Tract(s) and Block Group numbers for the benefiting areas as an Attachment, instead of completing columns(A)-(K).

** Data for columns (A)-(L) above must be entered as follows:

- | | | |
|--|--|------------------------------------|
| A-White/Nbr Hispanics | E-Native Hawaiian Other Pacif Is./Nbr Hispanics | I-Asian & White/Nbr Hispanics |
| B-Black,African American/Nbr Hispanics | F-American Indian, Alaska Native & White/Nbr Hispanics | J-Other Multi-Racial/Nbr Hispanics |
| C-American Indian, Alaska Native/Nbr Hispanics | G-Black, African American & White/Nbr Hispanics | K-Female Head of Households |
| D-Asian/Nbr Hispanics | H-American Indian,Alaska Nat. & Black,Afr. Amer./Nbr Hispanics | L-Handicapped Persons |

Communities must also

- ▶ Have process to identify special needs of women/disabled/minorities
- ▶ Ensure disadvantaged groups are adequately represented on policy-making bodies
- ▶ Maintain information on households displaced by CDBG activities



Limited-English Proficiency (LEP)

W e l c o m e
Chào mừng **Byenveni** powitanie
Bienvenue 환영 歡迎 স্বাগত 환영
ようこそ **boas-vindas** ترحيب স্বাগত
স্বাগত आपका स्वागत है **bienvenida**
Բարի գալուստ добро пожаловать

The HUD web site located at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep provides fair housing and other EEO materials in various languages for individuals whose first language is not English

Bid Documents and Contracts

Don't forget to include the EQUAL OPPORTUNITY PROVISIONS in the Bid Documents and Contracts!



U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP)

OFCCP administers and enforces three legal authorities that require equal employment opportunity: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212. Taken together, these laws ban discrimination and require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a protected veteran.

Web link- <http://www.dol.gov/ofccp/>

“Supplies” Documents

- Must include:
 - Bidder’s Certification Regarding Equal Opportunity
 - Requirement for Affirmative Action in contracts over \$10,000
 - Title VI of the Civil Rights Act of 1964 – no exclusion based on Race, Color or National Origin
 - Section 109 of Housing and Community Development Act- protection on basis of Sex, Age and Handicap (disability)

Construction Contract Documents

- Must include:
 - **EEO Requirements**
 - Compliance with Federal Requirements
 - Contractor Certifications
 - Special Equal Opportunity Provisions
 - **Affirmative Action Provisions**
 - Notice of Requirements for Affirmative Action
 - Title VI Clause of the Civil Rights Act of 1964
 - Certification of Non-Segregated Facilities
 - Section 109 of the Housing and Community Development Act of 1974
 - “Section 3” Compliance

Records, Records, Records!!!



Please document your Fair Housing and Non-discrimination actions.

For more information on Fair Housing and Non-Discrimination

Community Development Block Grant
Toolkit on Crosscutting Issues

Module 5: Fair Housing and Non-Discrimination

includes

- ▶ 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.

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_15955.pdf

QUESTIONS ?

Office of Community Development

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