

Civil Rights & Fair Housing



State of Alaska Department of Commerce, Community, and Economic Development Community Development Block Grant - Mitigation Program

Local governments receiving Community Development Block Grant - Mitigation Funds through the State of Alaska, Department of Commerce, Community and Economic Development, must take steps to comply with certain federal requirements regarding civil rights and fair housing. These steps must be taken ***prior to the release of funds*** for CDBG-MIT projects. The attached pages provide detailed compliance guidelines.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

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To: All Community Development Block Program – Mitigation Grantees and Recipients

As a recipient of Community Development Block Grant - Mitigation (CDBG-MIT) funds, you have agreed to comply with several laws, regulations, and requirements pertaining to the design, implementation, and administration of your local CDBG-MIT project. These laws include the following:

- A. Public Law 88-352, Title VI of the Civil Rights Act of 1964;**
- B. Public Law 90-284, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act);**
- C. Executive Order 11063, as amended by Executive Order 12259 (24 CFR Part 107);**
- D. Section 109 of the Housing and Community Development Act of 1974, as amended through 1992;**
- E. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).**
- F. Section 3 of the Housing and Urban Development Act of 1968; (12 U.S.C. 1701u)**
- G. Section 104 (d) of the Housing and Urban Development Act of 1974, as Amended;**

Basically these laws make it unlawful to discriminate in employment, places of public accommodation, sale or rental of real property, and financing and credit practices, by the State or its political subdivisions because of race, religion, color, national origin, sex, handicap status, or other instances such as age and marital/family status. Your acceptance of these requirements is included in Appendix D of your CDBG-MIT Grant Agreement.

The enclosed materials and instructions are intended to assist you in complying with all of the above referenced requirements. Please familiarize yourself with these materials, review your current procedures for insuring compliance with these laws, and implement additional procedures if necessary. You will be monitored by Department staff for evidence of compliance with these laws and requirements.

The Alaska Human Rights Commission is charged by law to enforce Alaska Human Rights laws. We encourage you to contact the Alaska Human Rights Commission if you have any questions or if you need assistance in reviewing your current procedures or establishing new ones to insure Human Rights compliance.

If you have questions regarding your Community Development Block Grant - Mitigation or your responsibilities as a grantee, please contact your CDBG-DR/MIT Program Coordinator in Anchorage.

Sincerely,

Brandon McNaughton
Program Coordinator II

Enclosures

Summary of Key Laws and Requirements for CDBG-MIT Grantees

Provided below is a summary of each of the key laws and requirements which are applicable to local CDBG-MIT Grantees:

A. PUBLIC LAW 88-352 which refers to the CIVIL RIGHTS ACT OF 1964, Title VI

Provides that no person shall, based on race, color, or national origin, be excluded from participation in, denied program benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

B. PUBLIC LAW 90-284 which refers to the CIVIL RIGHTS ACT OF 1968, Title VIII, as amended, also known as the FAIR HOUSING ACT

Provides that no person shall, based on race, color, religion, sex, national origin, family status, or handicap status, be subjected to discrimination in housing. This law also requires that the Department of Housing and Urban Development, the Department of Community and Economic Development, and local CDBG-MIT Grantees, administer CDBG-MIT programs in a manner which affirmatively promotes fair housing.

C. EXECUTIVE ORDER 11063, as amended by EXECUTIVE ORDER 12259

Directs that the Department of Housing and Urban Development, the Department of Community & Economic Development, and local CDBG-MIT Grantees, take all action necessary to prevent discrimination because of race, color, religion, sex, or national origin, in the sale, leasing, rental, or disposition of residential property and related facilities, or in the use or occupancy of such property, which is provided in whole or part with the aid of loans, advances, grants, or contributions made with federal funds.

D. SECTION 109 of the HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Provides, as amended, that no person shall, based on race, color, national origin, sex or religion, be excluded from participation in (including employment), denied program benefits of, or subjected to discrimination under any program or activity funded in whole or in part with community development funds. Section 109 further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, or with respect to an otherwise qualified handicapped individual as provided under Section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

E. SECTION 504 OF THE REHABILITATION ACT OF 1973

Provides, as amended, that no otherwise qualified individual shall, based solely by reason of his or her handicap, be excluded from participation in (including employment), denied program benefits of, or be subjected to discrimination under any program or activity receiving federal funding assistance.

F. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Ensures that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent.

For community development financial assistance, this plan applies to public construction projects that exceed \$200,000 of community development financial assistance from HUD programs. Applicability is determined at the project level. This plan also applies to projects that include multiple funding sources.

G. SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

Provides, as amended, that all renter occupied and vacant occupiable low/moderate income dwelling units which are demolished or converted to a use other than as low/moderate housing, in conjunction with a CDBG-MIT assisted activity, will be replaced so as not to result in the displacement of low/moderate income persons.

Documentation and Procedures for Compliance

With Key Laws and Requirements

Grantees will be required to document how they have complied with the KEY LAWS AND REQUIREMENTS identified on the previous page. It is not difficult to comply with these laws, but it does require setting up a good record keeping system to track program activities. Grantees are required to maintain and may be required to submit the following documentation to verify compliance with each of the laws and requirements identified. Grantees will be monitored by Department staff for compliance with each of these Key Laws and Requirements.

The following pages detail the requirements of each of these laws, including any documentation Grantees are required to submit to the Department prior to release of grant funds.

A. PUBLIC LAW 88-352 which refers to the CIVIL RIGHTS ACT OF 1964, Title VI and

D. SECTION 109 of the HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Grantees are required to take affirmative action in hiring employees. To demonstrate compliance, Grantees should take the following actions:

1. The Grantee should **adopt a personnel policy and an Equal Employment Opportunity/Affirmative Action Plan** which prohibits discrimination in hiring on the basis of race, color, sex, religion, family status, age, or national origin. When your CDBG-MIT project is monitored, we will ask to review your personnel policies and your Affirmative Action Plan. Attachment A-1 provides a sample EEO/AAP which Grantees may want to consider utilizing.
2. The Grantee will be required to **collect and maintain data on the demographic characteristics of all employees**. This information should be maintained for all employees of the Grantee, whether working on the CDBG-MIT project or not. The information to be collected and maintained on each employee includes **age, sex, and ethnic background**. When your CDBG-MIT project is monitored, we will ask to review this data. You may use Attachment A-2 for this purpose, or, if you currently maintain and compile this data, you may use your standard format.
3. The Grantee will be required to **show that they have evaluated the need for special outreach to overcome barriers which could limit participation by certain groups**. If special outreach is needed, the Grantee will document the outreach efforts. This may include such things as including language in bid documents encouraging proposals from minority/women owned firms; maintaining certified lists of minority/women owned firms; etc.

In addition to the above, the Department will collect and maintain data on the demographics of the residents of those communities where a CDBG-MIT project provides an area-wide benefit. This will be pulled from 2000 census data and included in the CDBG-MIT files.

Submit the following documents to your Grant Administrator:

- ☐ Copies of the City/Borough/Housing Authority/Non-Profit Personnel Policy
- ☐ An executed Equal Employment Opportunity/Affirmative Action Plan (Attachment A-1)
- ☐ Employee demographic data (Attachment A-2), or equivalent

ATTACHMENT A-1

Equal Employment Opportunity/Affirmative Action Policy

Resolution # _____

Whereas, State and Federal law prohibits discrimination in employment on the basis of race, color, sex, religion, family status, age, or national origin, and;

Whereas, the City/Borough/Housing Authority/Non-Profit of _____ supports equal employment opportunities for all;

Now therefore, be it resolved that it is the policy of the City/Borough/Housing Authority/Non-Profit of _____ to:

1. Afford equal opportunities for employment to all persons regardless of race, color, sex, religion, family status, age, or national origin;
2. State that the City/Borough/Housing Authority/Non-Profit is an equal opportunity employer in all job announcements;
3. Take affirmative action steps when necessary to assure all persons are afforded an equal opportunity to apply for City/Borough/Housing Authority/Non-Profit employment.

This **EQUAL EMPLOYMENT/AFFIRMATIVE ACTION PLAN** takes effect immediately.

Signature

Date

Title

ATTACHMENT A-2

Employee Demographic Data

Please complete one information block for each employee of the City/Borough/Housing Authority/Non-Profit.

Make additional copies of this form if necessary.

| | |
|------------------------------------------------------------------------|-----------------------------------------------|
| Age _____ | Employment Status: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Check one: <input type="checkbox"/> Permanent |
| Race: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic | <input type="checkbox"/> Temporary |
| <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian | Check one: <input type="checkbox"/> Full-time |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Seasonal |

| | |
|------------------------------------------------------------------------|-----------------------------------------------|
| Age _____ | Employment Status: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Check one: <input type="checkbox"/> Permanent |
| Race: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic | <input type="checkbox"/> Temporary |
| <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian | Check one: <input type="checkbox"/> Full-time |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Seasonal |

| | |
|------------------------------------------------------------------------|-----------------------------------------------|
| Age _____ | Employment Status: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Check one: <input type="checkbox"/> Permanent |
| Race: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic | <input type="checkbox"/> Temporary |
| <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian | Check one: <input type="checkbox"/> Full-time |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Seasonal |

| | |
|------------------------------------------------------------------------|-----------------------------------------------|
| Age _____ | Employment Status: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Check one: <input type="checkbox"/> Permanent |
| Race: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic | <input type="checkbox"/> Temporary |
| <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian | Check one: <input type="checkbox"/> Full-time |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Seasonal |

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|------------------------------------------------------------------------|-----------------------------------------------|
| Age _____ | Employment Status: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Check one: <input type="checkbox"/> Permanent |
| Race: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic | <input type="checkbox"/> Temporary |
| <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian | Check one: <input type="checkbox"/> Full-time |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Seasonal |

B. PUBLIC LAW 90-284 which refers to the CIVIL RIGHTS ACT OF 1968, Title VIII, as amended, also known as the FAIR HOUSING ACT and

C. EXECUTIVE ORDER 11063, as amended by EXECUTIVE ORDER 12259

Grantees are required to undertake activities which further fair housing choices for all persons. The Grantee should take the following steps to document compliance:

1. The Grantee should **adopt a Fair Housing Resolution** which is an official statement by the Grantee supporting equal access to housing for all persons. Attachment B-1 provides a sample Fair Housing Resolution which Grantees may want to consider using. Attachment B-2 provides a suggested plan of proposed action to affirmatively further fair housing. When your CDBG-MIT project is monitored we will ask to review your Fair Housing Resolution. The enclosed Attachment B-3 is an Equal Housing Opportunity poster for your use.
2. Section 570.487(b) of the State CDBG-MIT regulations instructs local government recipients to **develop proposed actions to affirmatively further fair housing** at the local level, for State review. If the locality carries out the state-approved actions, the state will consider the locality to have met its certification.

Submit the following documents to your Grant Administrator:

- ☐ An executed Fair Housing Resolution (Attachment B-1)
- ☐ Plan of proposed action to affirmatively further fair housing (Attachment B-2)

Additional requirement:

- ☐ Prominently display Equal Housing Opportunity Poster (Attachment B-3)

ATTACHMENT B-1

Fair Housing Resolution

Resolution # _____

Let it be known to all persons of the City/Borough/Housing Authority/Non-Profit of _____ that discrimination because of race, color, religion, sex, national origin, family status or handicap status, is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law) in the sale, rental, leasing, and/or financing of housing or land to be used for construction of housing, or in the provision of brokerage services. It is the policy of the City/Borough/Housing Authority/Non-Profit of _____ to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, family status or handicap status. Therefore, the City/Borough does hereby pass the following Resolution.

Be it resolved that within available resources the City/Borough/Housing Authority/Non-Profit will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, family status or handicap status, to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division.

Be it further resolved that the City/Borough/Housing Authority/Non-Profit shall publicize this Resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances.

Said program will at a minimum include, but not be limited to:

1. the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;
2. distribution and/or display of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity on housing.

This Resolution becomes effective immediately.

Signature

Date

Title

ATTACHMENT B-2

Plan of Proposed Action to Affirmatively Further Fair Housing

City/Borough/Housing Authority/Non-Profit of

The City/Borough/Housing Authority/Non-Profit of _____, as a recipient of federal grant funds, is adopting and implementing a Plan of Proposed Action to Affirmatively Further Fair Housing.

Title VIII of the Civil Rights Act of 1968, as amended, familiarly known as the Fair Housing Act, prohibited discrimination in the sale or rental of housing on the basis of race, color, religion, sex or national origin. It was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and expand its coverage to prohibit discrimination on the basis of familial status and handicap. By amending this law, Congress demonstrated a renewed commitment to achieving fair housing.

In addition to prohibiting a wide range of discriminatory practices, the Fair Housing Act requires recipients of federal Community Development Block Grant - Mitigation funds to certify that they will affirmatively further fair housing as a condition of receiving the CDBG-MIT funds. The City/Borough/Housing Authority/Non-Profit has done so with the adoption of Resolution # _____. CDBG-MIT Grantee local governments are required to develop proposed actions to affirmatively further fair housing at the local level, for State review. Actions taken to affirmatively further fair housing must further the policies of the Fair Housing Act and include activities to assure nondiscrimination in housing transactions.

In fulfillment of this requirement, the City/Borough/Housing Authority/Non-Profit of _____ proposes to:

- ☐ Conduct an analysis of impediments to fair housing choice
- ☐ Assume fair housing enforcement by undertaking appropriate actions to overcome the effects of any impediments identified through analysis, maintain records reflecting those actions
- ☐ Work actively with existing State entities (public or private nonprofit) whose goal is to further fair housing

Signature of Highest Elected Official

Date



**We Do Business in Accordance With the Federal
Fair Housing Law**
(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:
1-800-669-9777 (Toll Free)
1-800-927-9275 (TTY)

www.hud.gov/fairhousing

U.S. Department of Housing and Urban Development
Assistant Secretary for Fair Housing and Equal Opportunity
Washington, D.C. 20410

Previous editions are obsolete
HUD FORM 928.1 (8/2011)

E. SECTION 504 OF THE REHABILITATION ACT OF 1973

Grantees are required to document that “no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program receiving federal financial assistance...” The Grantee shall “make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant”. The Grantee shall take the following steps to document compliance:

1. The Grantee shall conduct a self-evaluation of the accessibility of their programs and facilities to handicapped persons and identify a plan for correcting deficiencies if necessary.
2. The Grantee should **adopt a Policy of Nondiscrimination on the Basis of Handicapped Status**. Attachment C-1 provides a sample of a Policy of Nondiscrimination on the Basis of Handicapped Status which Grantees may want to consider using. Also enclosed is a fact sheet on the Section 504 Handicap Accessibility requirements. Additional information to assist you in complying with Section 504 is enclosed with Attachment C-2.

Submit the following documents to your Grant Administrator:

- ☐ An executed Policy of Nondiscrimination on the Basis of Handicapped Status (Attachment C-1)

Additional requirement:

- ☐ Develop and implement a self-evaluation of accessibility of programs and facilities

ATTACHMENT C-1

Policy of Nondiscrimination on the Basis of Handicapped Status

The _____ City/Borough/Housing _____ Authority/Non-Profit _____ of _____ does not discriminate on the basis of handicapped status in the admission or access to, or treatment of employment in its federally assisted programs or activities.

The individual identified below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Developments (HUD) regulations implementing Section 504 (24 CFR Part 8, dated June 2, 1988).

Name: _____

Address: _____

City/State/ZIP: _____

Telephone: _____

Signature

Date

Title

In 1978, Congress amended section 504 of the Rehabilitation Act of 1973 to extend the coverage of section 504 to programs and activities conducted by the Executive branch of the Federal Government.

Regulations implementing Section 504 call upon Federal agencies to complete a transition plan when structural changes are necessary to make one or more of their programs accessible to individuals with handicaps, and to conduct a self-evaluation of their programs and activities.

A transition plan must set out the steps necessary to make the facilities used by the agency accessible. Regulations implementing section 504 generally require that agencies determine if physical barriers in facilities they occupy cause discrimination against individuals with handicaps by preventing or interfering with their participation in programs conducted in those facilities. Barriers that result in discrimination must be removed or the program otherwise modified to ensure that individuals with handicaps have access to programs and activities. The transition plan must detail how and when any necessary structural changes will be made. Structural changes are to be made as soon as possible, but generally no later than three years from the effective date of the agency's final regulation. The plan is to be completed with the assistance of individuals with handicaps and other interested persons and should be available for review by interested persons.

Through the self-evaluation, the Grantee identifies and changes any policies or practices that discriminate against qualified individuals with handicaps. The effect of these requirements is to cause Federal agencies to review their facilities, programs, policies, and practices and make changes required to permit individuals with handicaps to participate fully in the agency's programs and activities.

ATTACHMENT C-2

Section 504, Handicap Accessibility: Implications for CDBG-MIT

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (amended 1978 and 1986) deals with handicap accessibility and nondiscrimination in federal programs. The compliance requirements for CDBG-MIT recipients are detailed in HUD's final rule which became effective on July 11, 1988.

Who Must Comply With This Final Rule?

Section 504 applies to all CDBG-MIT recipients. A recipient means any local government grantee and its subgrantees: public or private agencies, or any other entity to which CDBG-MIT funds are extended, directly or indirectly. The need for compliance passes along with the federal dollars.

What Activities Do These Requirements Cover?

All operations and activities of the local government and its subgrantees are required to comply. For example, if the construction of a community center is CDBG-MIT funded, then not only must the center and all its services be accessible, but also City Hall, the public library, and the local government's other services, programs and activities.

What Must You, The CDBG-MIT Recipient, Do To Comply?

1. Conduct a self-evaluation —

To gain citizen input regarding the community's handicap accessibility issues, an advisory committee should be formed with representatives who are either handicapped themselves or sensitive to situations which affect accessibility. If local participation is not available, you can seek guidance from state or national organizations representing the interests of handicapped persons. This committee should review and assess policies and practices for handicapped accessibility issues, as well as inventory public buildings for structural barriers to handicapped citizens.

2. Modify applicable policies and practices —

Policies and practices which negatively impact accessibility must be modified. The committee should assist in developing mitigation actions and accessibility solutions. In the event that programs and activities cannot be made accessible by simply making administrative changes, structural changes and the development of a transition plan will be necessary. For example, an employment recruitment practice requiring a phone interview could be an obstacle for persons who are hard of hearing. The practice could be administratively revised to allow for in-person interviews.

3. Develop a transition plan —

At a minimum, the transition plan should:

- a) identify the physical obstacles limiting accessibility;
- b) describe in detail the method to be used in making the facilities in question accessible;
- c) schedule tasks and identify actions to be taken within the first year;
- d) identify the official responsible for the plan's implementation; and
- e) identify those who prepared the transition plan.

4. Designate local compliance officer —

The compliance officer is responsible for ensuring and documenting grantee and subgrantee compliance, and for initiating continued compliance efforts.

5. Adopt and implement a grievance procedure —

The grievance procedure provides for timely resolution of discrimination complaints.

6. Provide notice of nondiscrimination —

Continued efforts to inform applicants, beneficiaries, and employees of your policy of nondiscrimination must be made.

7. Meet state and federal accessibility requirements —

The Uniform Federal Accessibility Standards (UFAS) is currently the guide for determining whether facilities meet HUD's accessibility requirements. This guide is available from the Fair Housing and Equal Opportunity Office, (800) 669-9777.

8. Guarantee communication access —

You must provide communication access for persons who are deaf or hard of hearing by installing a Telecommunication Device for the Deaf (TDD), or as a minimum, make use of the statewide relay system. The relay system number is 1-800-927-9275. Other means of ensuring communication access could include providing a qualified sign language interpreter or reader, or simply offering information in a simple format with pictures.

What Remedial and Affirmative Actions Will Be Applied?

If a CDBG-MIT recipient discriminates against a handicapped individual, appropriate remedial and affirmative action will be determined by HUD in consultation with the State CDBG-MIT Program.

Will the CDBG-MIT Program Help Pay the Compliance Expenses?

In some cases, removal of architectural barriers can be an eligible activity for CDBG-MIT funding. Also, CDBG-MIT Administration funds can be used to conduct compliance activities.

If you have any questions regarding Section 504 compliance requirements, please contact a CDBG-MIT staff person at (907) 451-2721.

F. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The Grantee is required to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low-income persons (Section 3 Workers and Targeted Section 3 Workers) and to eligible businesses (Section 3 Businesses) and will require the same of its contractors.

The Grantee shall create or amend its Section 3 Policies and Procedures to ensure compliance with 24 CFR Part 75 requirements as referenced in the Section 3 Plan.

The Grantee will be monitored for compliance with these provisions and required to report quarterly.

Requirements:

- ☐ Have a Section 3 Coordinator who will serve as a central point of contact for Section 3 compliance.
- ☐ Develop record-keeping system for accomplishing the requirements of this law.

**G. SECTION 104 (d) OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1974,
AS AMENDED**

The Grantee shall **read and follow the Residential Antidisplacement and Relocation Assistance Plan** which is enclosed. Unless your City/Borough/Housing Authority/Non-Profit is involved with housing activities which result in the displacement of low/moderate income persons, you need not be concerned with this requirement.

Requirement:

- ☐ Read and follow the attached Residential Antidisplacement and Relocation Assistance Plan.

Residential Antidisplacement and Relocation Assistance Plan

under Section 104(d) of the Housing and Community Development Act of 1974, as Amended

The Grantee will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 70.496a(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the Grantee to provide funds for an activity that will directly result in demolition or conversion the Grantee will make public, by publication in a newspaper of general circulation and by posting in the post office and other public buildings for a period of 15 days, and submit to HUD the following information in writing:

1. A description of the proposed assisted activity;
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activities;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the Grantee will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower-income households in the jurisdiction.

The Grantee is responsible for tracking the replacement of housing and ensuring that it is provided within the required period.

The Grantee is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in §570.496a(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, the Grantee will take the following steps to minimize the displacement of persons from their homes:

- ❑ Coordinate code enforcement with rehabilitation and housing assistance programs.
- ❑ Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or tenants of multi-family buildings.
- ❑ Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or building first.
- ❑ Establish facilities to house persons who must be relocated temporarily during rehabilitation.
- ❑ Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- ❑ Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- ❑ Adopt tax assessment policies such as deferred tax payment plans to reduce impact of rapidly increasing assessments on lower-income owner-occupants or tenants in revitalizing areas.
- ❑ Establish counseling centers to provide homeowners and renters with information on the assistance available to help them remain in their neighborhood in the face of revitalization pressures.