**HUD grantees are subject to the following fair housing laws and implementing regulations:**

1. **Title VI of the Civil Rights Act of 1964 (Title VI) and 24 C.F.R. Part 1**

Title VI prohibits discrimination on the bases of race, color, or national origin in all federally assisted programs.

* **BENEFITS, SERVICES, AND METHODS OF ADMINISTRATION (24 C.F.R. § 1.4)**

Title VI regulations at 24 C.F.R. § 1.4 require Grantee to analyze jurisdictional demographic data for race, color, and national origin to determine whether any of the jurisdiction’s minority groups appear under-represented in its HUD-funded programs. If an analysis of the demographic data evidences under-representation by any group based on race, color, or national origin, Grantee must adjust the administration of its programs and activities to assure equitable participation.

* **CITIZEN PARTICIPATION (24 C.F.R. § 1.4 and §§ 570.506 and 91.105)**

Title VI requires Grantee to implement affirmative efforts to involve racial and ethnic minorities in its citizen participation process.

* **LIMITED ENGLISH PROFICIENCY (LEP) {24 C.F.R. Part 1.4(b) and Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons}**

Title VI regulations at 24 C.F.R. Part 1.4(b) prohibit Grantee from administering its programs or activities in such a way as to limit access based on race, color, and national origin. Title VI, relevant regulations, and the final guidance regarding LEP persons protect access to such programs by LEP persons on the basis of national origin. As a result, Grantee is required to develop procedures to assure equal access to LEP persons. HUD specifically expects Grantees to provide “written translation” of vital documents when the LEP population exceeds 1,000 persons. Vital documents include public notices. To comply with LEP requirements, Grantee must conduct a four-factor analysis, create a Language Access Plan (LAP), and document actions to implement the LAP.

* **TITLE VI RECORDKEEPING {24 C.F.R §§ 1.6(b) and 121}**

Title VI implementing regulations at 24 C.F.R. § 1.6(b) require recipients of federal financial assistance to gather and maintain such information as the Department shall deem necessary with respect to the racial and ethnic characteristics of applicants and participants in their federally funded programs and activities. To comply with the Title VI recordkeeping regulations, Grantee must consistently collect complete and accurate records that reflect the race and ethnicity of direct program beneficiaries. The collection of this data must conform to form HUD-27061, “Race and Ethnic Data Reporting Form.” [[1]](#footnote-1) Upon request, Grantee should be able to produce the source documents[[2]](#footnote-2) utilized to comply with the Title VI recordkeeping regulations.

1. **Section 109 of Title I of the Housing and Community Development Act of 1974 (Section 109) and 24 C.F.R. Part 6**

Section 109 prohibits discrimination on the bases of race, color, national origin, religion, and sex in any program or activity funded in whole or in part with federal financial assistance (e.g., CDBG and HOME, etc.)

* **BENEFITS, SERVICES, AND METHODS OF ADMINISTRATION (24 C.F.R. § 6.4)**

Section 109 implementing regulations at 24 C.F.R. § 6.4 require Grantee to analyze jurisdictional demographic data for race, color, national origin, religion, and sex to determine whether any of the jurisdiction’s minority groups appear under-represented in its HUD-funded programs. If an analysis of the demographic data evidences under-representation by any group based on race, color, national origin, sex, or religion, Grantee must adjust the administration of its programs and activities to assure equitable participation.

* **CITIZEN PARTICIPATION (24 C.F.R. § 6.6 and §§ 570.506 and 91.105)**

Section 109 requires Grantee to implement affirmative efforts to involve racial and ethnic minorities and female-headed households in its citizen participation process.

* **SECTION 109 RECORDKEEPING {24 C.F.R. §§ 6.6(a), 6.10(c), and 121}**

Section 109 implementing regulations at 24 C.F.R. §§ 6.6(a) and 6.10(c) require recipients of federal financial assistance to gather and maintain such information as the Department shall deem necessary with respect to the race, ethnicity, and sex of applicants and participants in their federally funded programs and activities. The collection of race and ethnic data must conform to form HUD-27061, “Race and Ethnic Data Reporting Form.” (*See* footnote #2.) Upon request, Grantee should be able to produce the source documents[[3]](#footnote-3) utilized to comply with the Section 109 recordkeeping regulations.

1. **Section 504 of the Rehabilitation Act of 1973 (Section 504) and 24 C.F.R. Part 8/Title II of the Americans with Disabilities Act of 1990 (ADA) and 28 C.F.R. Part 35**

Section 504 prohibits discrimination based on disability under any federally assisted program or activity.

* **BENEFITS, SERVICES, AND METHODS OF ADMINISTRATION {24 C.F.R. § 8.4(b)}**

24 C.F.R. § 8.4(b) requires Grantee to analyze jurisdictional demographic data to determine whether people with disabilities appear under-represented in Grantee’s HUD-funded programs. If an analysis of the demographic data evidences under-representation by people with disabilities, Grantee must adjust the administration of its programs and activities to assure equitable participation.

* **CITIZEN PARTICIPATION (24 C.F.R. § 8.4 and §§ 570.506 and 91.105)**

Section 504 requires Grantee to implement affirmative efforts to involve and ensure equal access to people with disabilities in its citizen participation process.

* **SECTION 504 NON-DISCRIMINATION NOTICE {24 C.F.R. § 8.54(b)}**

Section 504 requires Grantee to provide a Section 504 non-discrimination notice within printed informational materials Grantee makes available to participants, beneficiaries, applicants, and employees.

* **EFFECTIVE COMMUNICATION (24 C.F.R. § 8.6)**

Section 504 requires Grantee to take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public by: (1) Furnishing appropriate auxiliary aids when necessary to afford individuals with disabilities equal opportunity to participate in and enjoy the benefits of a program or activity receiving federal financial assistance; (2) Providing telecommunication devices for the deaf (TDDs) or equally effective communication systems for hearing impaired persons; and (3) Adopting and implementing procedures to ensure that interested persons (including persons with impaired vision or hearing) can obtaininformation concerning the existence and location of accessible services, activities, and facilities

* **SECTION 504 RECORDKEEPING {24 C.F.R. § 8.55(b) and 121}**

Section 504 requires Grantee to maintain complete and accurate records that show the extent to which persons with disabilities participate in its federally funded programs and activities. Section 504 implementing regulations at 24 C.F.R. § 8.55(b) specifically require recipients of federal financial assistance to gather, maintain, and submit documentation of the extent to which persons with disabilities are participants in federally funded programs and activities. Upon request, Grantee should be able to produce the source documents[[4]](#footnote-4) utilized to comply with the Section 504 recordkeeping regulations.

1. **Affirmatively Furthering Fair Housing (AFFH) Certification: Title VIII of the Fair Housing Act of 1968, as amended (the Fair Housing Act), Section 808(e)(5), and 24 C.F.R. § 91.225, Local Jurisdictions; 91.323, States; and 91.425, Consortia**

The AFFH Certification requires Grantee to:

* Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
* Take appropriate actions to overcome the effects of impediments identified through the analysis; and
* Maintain records reflecting the analysis and actions taken in this regard.

1. **Section 3 of the HUD Act of 1968 and 24 C.F.R. Part 135.32**

Section 3 requires grantees to provide job training, employment, and contract opportunities to low- or very-low income residents in connection with projects and activities in their neighborhoods to the greatest extent feasible.

* **NOTIFYING SECTION 3 RESIDENTS AND BUSINESS CONCERNS {(24 C.F.R. § 135.32(a)}**

Grantee must implement procedures to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance “to the greatest extent feasible.”

* **NOTIFYING POTENTIAL CONTRACTORS ABOUT SECTION 3 AND INCORPORATING THE SECTION 3 CLAUSE {(24 C.F.R. § 135.32(b)}**

Grantee must notify potential contractors for Section 3 covered project of the Section 3 requirements to the greatest extent feasible.

* **FACILITATING TRAINING AND EMPLOYMENT OF SECTION 3 RESIDENTS AND THE AWARD OF CONTRACTS TO SECTION 3 BUSINESS CONCERNS {(24 C.F.R. § 135.32(c)}**

Grantee must offer training and employment opportunities to Section 3 residents and awarding contracts to Section 3 business concerns to the greatest extent feasible to reach the numerical goals in 24 C.F.R. § 135.30.

* **OBTAINING THE COMPLIANCE OF CONTRACTORS AND SUBCONTRACTORS WITH SECTION 3 {(24 C.F.R. § 135.32(d)}**

Grantee must make “greatest extent feasible” efforts to ensure contractors’ and subcontractors’ compliance with Section 3.

* **DOCUMENTING ACTIONS TAKEN TO COMPLY WITH SECTION 3 REQUIREMENTS {(24 C.F.R. § 135.90}**

Grantee must complete and submit Section 3 reports, HUD form 60002, to HUD annually.

1. **SECTION 504 ACCESSIBILITY REQUIREMENTS (24 C.F.R. § 8.20, et seq.)**

Grantee must operate its federally assisted programs and activities such that they are readily accessible to and usable by individuals with disabilities when viewed in their entirety. Grantee must ensure that none of its federally assisted programs or activities denies people with disabilities benefits, exclude people with disabilities from participation in, or otherwise subject people with disabilities to discrimination because the federally assisted facilities are inaccessible or unusable by people with disabilities.

* **24 C.F.R. §§ 8.22 and 8.32:**
* Grantee must ensure that all of its federally assisted new construction projects built after July 10, 1988 are physically accessible in accordance with the Uniform Federal Accessibility Standards (UFAS).[[5]](#footnote-5)
* For all new construction federally assisted housing built after July 10, 1988, Grantee must ensure that a minimum of 5% (but at least one unit) of the total number of dwelling units in multifamily complexes (5+ units) is accessible for mobility impaired persons in accordance with UFAS. Additionally, Grantee must ensure that at least 2% of the total number of dwelling units in new construction multifamily complexes is accessible for persons with visual or hearing impairments. If Grantee funds substantial alterations costing 75% or more of the replacement cost of the completed facility, these new construction provisions apply.
* For federally assisted housing in developments constructed prior to July 11, 1988, Grantee must ensure that the housing complies with the Section 504 accessibility requirements using UFAS as the design and construction standard to the maximum extent practicable.

1. **FAIR HOUSING ACT DESIGN AND CONSTRUCTION REQUIRMENTS (24 C.F.R. § 100.205)**

Grantee must ensure that all of its privately or federally assisted housing with four or more dwelling units built for first occupancy after March 13, 1991 complies with the Fair Housing Accessibility Guidelines[[6]](#footnote-6) and the Fair Housing Act Design Manual.[[7]](#footnote-7) In summary, all multifamily housing built for first occupancy after March 13, 1991 must comply with the following seven basic requirements, also known as the seven safe harbors, to ensure compliance:

(1) An accessible building entrance on an accessible route;

(2) Accessible and usable common and public use areas;

(3) Usable doors;

(4) An accessible route into and through dwelling units;

(5) Light switches, electrical outlets, thermostats, and other environmental

controls in accessible locations;

(6) Reinforced walls in bathrooms for later installation of grab bars; and

(7) Usable kitchens and bathrooms.[[8]](#footnote-8)

1. **SECTION 504 COORDINATOR {24 C.F.R. § 8.53(a)}**

Grantees with 15 or more employees must designate at least one person to coordinate its efforts to comply with Section 504.

1. **SECTION 504 NON-DISCRIMINATION NOTICE {24 C.F.R. § 8.54(a)}**

Grantees with 15 or more employees must ensure they are taking appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that they do not discriminate on the basis of disability. The notification must include the name and contact information for the designated Section 504 coordinator.

1. **SECTION 504 GRIEVANCE PROCEDURE {24 C.F.R. § 8.53(b)}**

Grantees with 15 or more employees must adopt grievance procedures that incorporate

appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.

**HUD grantees additionally must comply with the following HUD rule ultimately enforceable by CPD:**

1. **EQUAL ACCESS TO HOUSING IN HUD PROGRAMS REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY (EQUAL ACCESS RULE) (24 C.F.R. 5)**

HUD’s Equal Access Rule, effective March 5, 2012, is a HUD program requirement that ensures equal access to housing in HUD programs, regardless of sexual orientation, gender identity, or marital status. The Equal Access Rule contains three components that apply to recipients of Housing and Community Development funds (e.g., CDBG, HOME, NSP, CDBG-DR, ESG, HOPWA, etc.), Section 8, and public housing assistance under the United States Housing Act of 1937: 1.) General equal access provision: Housing assisted by HUD or insured by FHA must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status (24 C.F.R. 5.105 (a)(2)). 2.) Definition of family: Must include persons regardless of actual or perceived sexual orientation, gender identity, or marital status (24 C.F.R. 5.403). 3.) Inquiries: Prohibits inquiries of an applicant’s or occupant’s sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available (24 C.F.R. 5.105).

1. In August 2002, the Department also issued “OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines.” This document specifies the manner for gathering, maintaining, and submitting racial and ethnic characteristics to HUD. [↑](#footnote-ref-1)
2. Title VI recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.) utilized by Grantee or Grantee’s subrecipients to collect the race and ethnic characteristics of those applying for or benefitting from the expenditure of HUD funds. These documents are the *source* Grantee used to enter race and ethnicity information into IDIS for the production of cumulative reports that show aggregate demographic data. [↑](#footnote-ref-2)
3. Section 109 recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.) utilized by Grantee or Grantee’s subrecipients to collect the race, ethnicity, and sex of those applying for or benefitting from the expenditure of HUD funds. These documents are the *source* Grantee used to enter race, ethnicity, and sex information into IDIS for the production of cumulative reports that show aggregate demographic data. [↑](#footnote-ref-3)
4. Section 504 recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.) utilized by Grantee or Grantee’s subrecipients to collect the disability status of those applying for or benefitting from the expenditure of HUD funds. [↑](#footnote-ref-4)
5. *See* <http://www.access-board.gov/ufas/ufas-html/ufas.htm>. [↑](#footnote-ref-5)
6. *See* <http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/fhefhag>. [↑](#footnote-ref-6)
7. *See* <http://www.huduser.org/portal/publications/destech/fairhousing.html>. [↑](#footnote-ref-7)
8. For more information, also *see* [www.fairhousingfirst.org](http://www.fairhousingfirst.org). [↑](#footnote-ref-8)