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MAINE COMMUNITY DEVELOPMENT PROGRAM

C I V I L R I G H T S  
TECHNICAL ASSISTANCE PACKAGE

STATE PLANNING OFFICE

August 1986

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## Civil Rights

### Technical Assistance Package

#### I. INTRODUCTION

The purpose of this Technical Assistance Package is to present federal civil rights and equal opportunity requirements applicable to the administration of the State CDBG program. Included is a summary of the applicable federal laws and regulations, discussion of the Civil Rights requirements and objectives, and suggested activities for implementation of the requirements in the various phases of CDBG program administration.

Also included are several sample forms and resolutions, to assist grantees in complying with the applicable state and federal laws. The key to compliance is establishing a good recordkeeping system early in the program's implementation. Grantees will be monitored during program implementation for their recordkeeping and compliance with these requirements.

#### II. OVERVIEW: KEY LAWS AND REGULATIONS

##### Civil Rights Laws:

The civil rights laws are designed to protect individuals from discrimination on the basis of:

- o Race
- o National Origin
- o Religion
- o Color
- o Sex
- o Age
- o Handicap

As they apply to the CDBG program, these laws protect individuals from discrimination in:

- o Housing
- o Benefits and services created by CDBG projects
- o Employment
- o Business opportunities
- o Relocation resulting from CDBG-funded activities

Population groups specifically protected by the provisions of these laws include:

- o Minorities (specifically: Blacks, Hispanics, Asians and Pacific Islanders, American Indians, and Alaskan Natives)

- o Women
- o Groups distinguished by age
- o Handicapped persons

The applicable laws provide for:

- o Nondiscrimination
- o Equal opportunity
- o Affirmative action (to redress past discrimination)

A listing of the civil rights laws and implementing regulations is presented on the following page. Descriptions of each applicable law and executive order follow.

CIVIL RIGHTS LAWS AND REGULATIONS

APPLICABLE CIVIL RIGHTS LAW	IMPLEMENTING REGULATIONS	NATURE OF REGULATORY GUIDANCE
Title VI, Civil Rights Act of 1964	24 CFR, Part 1 (HUD)	Mandatory
Section 109, Housing & Community Development Act of 1974	24 CFR, Part 570.601 (CDBG Entitlement Program) (HUD)	Should be followed pending issuance of similar regulations to be developed for State CDBG program
Title VIII, Civil Rights Act of 1968, as amended	24 CFR, Part 200, Subpart M; 24 CFR, Parts 108, 109, 110, 115	Relate to developers of insured housing and to housing advertising guidelines
Executive Order 11063, as amended	24 CFR, Part 107 (HUD)	Mandatory
Executive Order 11246, as amended	41 CFR, Chapter 60 (Government-wide) (DOL)	To be provided by the Department of Labor
Section 3, Housing & Urban Development Act of 1968, as amended	24 CFR, Part 135 (Government-wide) (DOL)	Serves as guidance, not mandatory
Section 504, Rehabilitation Act of 1973, as amended	45 CFR, Part 84 (HHS)	Serves as guidance, not mandatory
Age Discrimination Act of 1975, as amended	45 CFR, Part 91 (Government-wide) (HHS)	Serves as guidance, not mandatory

Summary of Civil Rights Laws and Regulations:

Title VI of the Civil Rights Act of 1964 provides that no person shall be:

- o Excluded from participation
- o Denied program benefits
- o Subjected to discrimination

on the basis of:

- o Race
- o Color
- o National origin

under any program or activity receiving Federal financial assistance.

Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing on the basis of:

- o Race
- o Color
- o Religion
- o Sex
- o National origin

This law also requires HUD to administer its programs in a manner that affirmatively promotes fair housing.

Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that, to the greatest extent feasible, opportunities for:

- o Training
- o Employment

that arise through HUD-financed projects shall be given to lower-income residents of the project area. Section III also provides that contracts awarded in connection with such projects be awarded to:

- o Businesses located in the project area,

-OR-

- o Businesses owned, in substantial part, by residents of the project area. (Note: The Housing and Community Development Act of 1980 defined "project area" as the unit of local government or the metropolitan area or the nonmetropolitan county in which the project is located.)

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:

- o Excluded from participation (including employment)
- o Denied program benefits
- o Subjected to discrimination

under any program or activity receiving Federal funds.

Section 109 of the Housing and Urban Development Act of 1974, as amended, provides that no person shall be excluded from participation (including employment), denied program benefits, or subjected to discrimination on the basis of:

- o Race
- o Color
- o National Origin
- o Sex
- o Age
- o Handicap

under any program or activity funded in whole or in part under Title I (Community Development) of the Act.

The Age Discrimination Act of 1975, as amended, provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination--on the basis of age--under any program or activity receiving Federal funds.

Executive Order 11063 provides that no person shall, on the basis of race, color, religion (creed), sex, or national origin, be discriminated against in:

- o Housing (and related facilities) provided with Federal assistance.
- o Lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

Executive Order 11246, as amended, provides that no person shall be discriminated against, on the basis of race, color, religion, sex, or national origin, in any phase of employment during the performance of Federal or Federally assisted construction contracts in excess of \$10,000.

### III. REQUIREMENTS

#### A. Nondiscrimination:

Recipients must assure that all CDBG-funded activities are conducted in a manner which will not cause discrimination on the basis of race, color, national origin, religion and creed, sex, handicap, or age.



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EXPLANATION

Reference

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Applicable civil rights laws establish a broad civil rights mandate for all CDBG-funded programs. Specific requirements of CDBG recipients are summarized below:

1. For CDBG-funded Public Services, Facilities, and Improvements:

- a. Recipients may not, directly or through contractual or other arrangements, discriminate against anyone on the grounds of race, color, national origin, or sex. Discriminatory actions could include:
- o Denying facilities, services, or benefits
  - o Providing different facilities, services, or benefits
  - o Providing segregated or different treatment
  - o Restricting access to any advantage or privilege enjoyed by others
- b. Recipients may not select sites or locations of facilities which have an exclusionary or discriminatory effect.
- c. Recipients may not use criteria or methods of program administration which have a discriminatory effect.

Title VI  
24 CFR, Part 1  
Section 109,  
Housing and  
Community  
Development Act  
of 1974

2. In Employment:

- a. Recipients may not deny - on the basis of race, color, age, handicap, national origin, or sex - the opportunity for employment in any CDBG program or activity. See Supporting Materials, Section A, for further information.
- b. Contractors may not deny - on the basis of race, color, religion, national origin, or sex - the opportunity for employment on CDBG-funded contracts. See Supporting Materials, Section B, for further information.

Section 109

Executive Order  
11246

EXPLANATION	Reference
<b>3. <u>In Contracting:</u></b>	
a. Recipients must ensure nondiscrimination in the solicitation and awarding of contracts generated from Title I funds, including: <ul style="list-style-type: none"> <li>o Nondiscriminatory advertising and distribution of solicitations</li> <li>o Nondiscriminatory bid specifications or evaluation criteria</li> <li>o Nondiscriminatory awards of contracts</li> </ul>	Section 109
<b>4. <u>In CDBG-Funded Housing Programs and Activities:</u></b>	
a. Recipients are required to ensure nondiscrimination in administering their CDBG housing programs. This includes the provision of relocation housing and services for persons displaced by CDBG activities.	Title VIII Civil Rights Act of 1968 (Fair Housing)
Under the Fair Housing Law, the following actions - if based on race, color, religion, sex, or national origin - are considered discriminatory:	
<ul style="list-style-type: none"> <li>o Refusing to sell or rent to, deal or negotiate with any person (Section 804 (b)).</li> <li>o Discriminating in terms or conditions for buying or renting housing (Section 804 (b)).</li> <li>o Discriminating by advertising that housing is available only to persons of a certain race, color, religion, sex, or national origin (Section 804(c)).</li> <li>o Denying that housing is available for inspection, sale, or rent when it really is available (Section 804(d)).</li> <li>o "Blockbusting" - for profit, persuading owners to sell or rent housing by telling that minority groups are moving into the neighborhood (Section 804(e)).</li> <li>o Denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations, and insurance companies (Section 805).</li> </ul>	Title VIII Civil Rights Act, Sections 804-806

EXPLANATION	Reference
<ul style="list-style-type: none"> <li>o Denying to anyone the use of or participation in any real estate services, multiple-listing services, or other facilities related to the selling and renting of housing (Section 806).</li> </ul>	
<ul style="list-style-type: none"> <li>b. Recipients may not, directly or through contractual or other arrangements, discriminate against anyone on the grounds of race, color, national origin, sex, age, or handicap.</li> </ul>	Title VI and Section 109
<ul style="list-style-type: none"> <li>c. Recipients may not select sites or locations of housing and housing-related facilities which have an exclusionary or discriminatory effect.</li> </ul>	
<ul style="list-style-type: none"> <li>d. Recipients may not discriminate against a person on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with Federal assistance or in housing for which loans are insured or guaranteed by the Federal Government.</li> </ul>	Executive Order 11063
<p>5. <u>Other Requirements:</u></p>	
<p>The following are extensions of nondiscrimination provisions which States and recipients must take into account.</p>	
<ul style="list-style-type: none"> <li>a. No persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</li> </ul>	Age Discrimination Act of 1975
<ul style="list-style-type: none"> <li>b. No otherwise qualified handicapped individual in the United States shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.</li> </ul>	Rehabilitation Act of 1973, Section 504

B. Affirmative Action

1. Past Discrimination:

States and recipients must take affirmative action to overcome the effects of past discrimination in the administration of CDBG programs.

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EXPLANATION	Reference
In administering the CDBG program, States and Recipients <u>must</u> take affirmative action to overcome the effects of past discriminatory actions which have been found as a result of a compliance review.	Title VI 24 CFR Part 1
Recipients may voluntarily take affirmative action to overcome the effects of conditions which tend to limit or exclude participation by persons or a particular race, color, national origin, or sex.	

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2. Local Employment and Contacting:

States must ensure that recipients take affirmative action to provide equal opportunities in employment and contracting activities generated by CDBG funds.

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EXPLANATION	Reference
o Employment:	
o Block Grant recipients must, to the maximum extent feasible, ensure that lower-income residents in their communities receive any training or employment generated by CDBG projects.	Section 3, Housing & Urban Development Act of 1968, as amended
o Recipients must take affirmative action to ensure that applicants are employed and the employees are treated during employment without regard to their race, color, religion, sex, or national origin.	

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o Contracting:

- o Recipients must take affirmative action to utilize business located in or owned located in or owned in substantial part by persons residing in the project area.
- o Recipients may voluntarily take affirmative action to encourage contracting with minority business enterprises.

Section 3,  
Housing &  
Urban Develop-  
ment Act of  
1968, as  
amended.

Suggested Activities:

- o Develop lists of minority-owned and local businesses in construction trades, business services, and professional services.
- o Contact minority business and contractor associations to obtain information on skill and resource capabilities.
- o Establish an action plan and goals for the use of minority-owned and local businesses, including opportunities for subcontracting in procurement and construction contracting-related activities.
- o Establish goals and take steps to provide opportunities for minority equity investment in funded projects.
- o Notify minority firms of contract opportunities and indicate to them when Request for Proposal or bid packages will be available, or when Statements of Interest and Qualifications are due.
- o Make Equal Employment Opportunity (EEO) and Affirmative Action (AA) an integral part of the municipal personnel system. See Supporting Materials, Section A for further information.

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3. Fair Housing:

States may take voluntary actions to promote fair housing in the CDBG program.

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EXPLANATION	Reference
The State is required by the Title I certifications not to discriminate in the provision of housing and not to discriminate in CDBG-funded activities that provide housing, housing services,	Title I, Section 104 (b)(2)

required to certify that all CDBG programs will be carried out in a manner to affirmatively further fair housing.

Executive Order 11063, Title VI

Suggested activities:

- o Adopt local Fair Housing Resolutions. A sample resolution is included in Section L of the Supporting Materials. Title I, Section 109
- o Display fair housing poster and use appropriate fair housing language and logo when advertising. Posters and logos may be obtained from HUD. Title VIII, 808(e)(5)
- o Proclaim the month of April as Fair Housing Month. April is the anniversary of the national Fair Housing Law (Title VIII of the Civil Rights Act of 1968) and has traditionally been Designated as Fair Housing Month in the United States. A sample proclamation is included in Section C of the Supporting Materials.
- o Review local zoning laws and procedures to determine whether they contribute to, or detract from, progress in fair housing. Establish a collection of zoning material to have available for the use of staff as well as fair housing groups. Title 5 MRSA Section 4581  
Title 14 MRSA Section 6024
- o Provide funding for local fair housing organizations or provide both financial and technical assistance to citizens wishing to organize such a group.
- o Draw on local resources to assess existing public opinion about the status of fair housing in the community. Appropriate contacts include:
  - o Fair housing organizations
  - o Public and private "community centers"
  - o Civil rights groups
  - o Organizations representing minorities, women, older citizens, and the handicapped
- o Develop active public information and educational programs to provide fair housing information to the community.

Focus these programs on the following types of groups:

- o Citizen groups concerned with housing issues (fair housing groups, tenant associations, buildings, real estate personnel).
- o Organizations representing specific population groups (minorities, women, senior citizens, etc.).
- o Other local organizations (advocacy groups, unions, voters leagues).
  
- o Document efforts to focus public information activities on:
  - o Specific population groups known to have suffered from discriminatory practices in the past.
  - o Groups directly involved in housing-related activities.

C. Recordkeeping

Recipients must maintain records documenting compliance with applicable civil rights requirements, as well as the extent to which members of minority groups have benefitted from CDBG activities.

Documentation to be maintained:

- o Population: Demographic data by census tract or smaller geographic area. The data should include prevailing population characteristics relating to race, ethnic group, sex, age, and head of household. A community profile form is included in Section A of the Supporting Materials.
  
- o Program Beneficiaries: For direct benefit activities, data on the extent to which persons have participated in or benefitted from any program or activity funded in whole or in part with CDBG funds. Records must be kept by race, ethnicity, handicapped status, age, and gender of heads of households. For areawide activities, documentation must be maintained on: the area and the services being provided to the area; as well as the race and ethnicity of the service area. The Community Profile previously mentioned will help with this task. The Supporting Materials section also includes sample Benefit Data Systems for housing and job creation.
  
- o Employment: Data on employment in each of the local government's operating units funded in whole or in part with CDBG funds, including affirmative actions taken to provide equal employment opportunities. Data should include at a minimum

race, gender of employees broken down by job category. Other data maintained by the Town could include upgrading, demotions, transfers, recruitment or recruitment advertising, layoffs or terminations, pay or other compensation, and selection for training. The Supporting Materials Section includes a sample Equal Opportunity Policy for local governments and a form for documenting employment statistics.

- o Section 3 Employment and Business Opportunities: Data which record special efforts to identify, train, and/or hire lower-income residents of the project area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the project. A sample Section 3 plan is included in the supporting materials.
- o Minority Business Participation: Data which record special efforts to identify, solicit bids from, and provide contracting and investment opportunities to minority businesses. Data indicating the racial/ethnic character of each business entity that receives a contract or subcontract of \$10,000 or more paid, or to be paid, with CDBG funds. Data indicating which of those entities are women's business enterprises and the amount of the contract or subcontract.
- o Fair Housing: Documentation of the action(s) the recipient has carried out (or is carrying out) to affirmatively further fair housing, including records on funds provided, if any, for such actions.
- o Displacement: Data indicating the race and ethnicity of households, and handicapped status of persons displaced as a result of CDBG activities, including the address to which each displaced household relocated. Where activities cause a significant level of displacement of businesses, data indicating the impact on businesses owned by minorities and women.
- o Past Discrimination: Documentation of the affirmative actions the local government has taken to overcome the effects of prior discrimination as determined through a formal compliance review or court proceeding, where the recipient has previously discriminated against persons on the ground of race, color, national origin, or sex in administering a program or activity funded in whole or in part with CDBG funds.



IV. SUPPORTING MATERIALS

- A. Equal Employment Opportunity and Affirmative Action
- B. Contract Requirements
- C. Fair Housing
- D. Recordkeeping
- E. Summary Chart - Fair Housing and Equal Opportunity Requirements

A. EQUAL EMPLOYMENT OPPORTUNITY  
AND AFFIRMATIVE ACTION

## Equal Employment Opportunity and Affirmative Action

Equal Employment Opportunity (EEO) and Affirmative Action (AA) are often used interchangeably. However, they are two separate and distinct terms. A municipality is required to provide equal employment opportunities, but is generally not required to prepare a written affirmative action plan. The following describes more fully the differences between these terms.

Equal Employment Opportunity is a state or condition of fair and equitable treatment that exists for both present employees and applicants for employment. A municipality's EEO commitment should be reflected in a written policy of non-discrimination, approved by the municipality's legislative body, which applies to all personnel practices including recruitment, selection, promotion, training, termination, and wage, salary and benefit administration. A sample EEO Policy Statement is provided below.

Affirmative Action describes the steps or "actions" that will be undertaken to insure that current employment practices are non-discriminatory and that any effects of intentional or unintentional past discrimination are remedied. Affirmative Action plans are required under Executive Order 11246 when CDBG-funded construction contracts exceed \$10,000. Although a municipality is not generally required to prepare a written affirmative action plan, Executive Order 11246 does require a municipality to make affirmative efforts to hire minorities and women and to maximize opportunities for minority and female owned firms to secure and/or participate in municipal and CDBG contracts.

## Sample Equal Employment Opportunity Policy Statement

The Town/City Council (or Selectmen) of \_\_\_\_\_ declares its intent that the Town/City will pursue a policy of non-discrimination in its personnel practices. This includes: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, physical handicap, where these are not found to be bona fide occupational qualifications.

The Town/City recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as Federal statutes which may apply as a result of its Federal grant activities.

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Note: Compliance with EEO requirements may be enhanced through adoption of appropriate personnel policies. Assistance in drafting such policies may be obtained through the Maine Municipal Association or your CD Specialist.

### Job Advertising and Solicitation:

It is not unlawful for employers, particularly those engaged in Affirmative Action Plans, to encourage through advertising applications from persons who are members of classes protected by State and federal civil rights laws. All advertising may include positive statements such as "We hire the handicapped" or "We are an Equal Employment Opportunity Employer."

It is unlawful to print or publish any notice or advertisement relating to employment indicating any preference, limitation, specification or discrimination based upon race or color, sex, physical or mental handicap, religion, ancestry or national origin or age, unless there is a bona fide occupational qualification for such preference, limitation, specification or discrimination.

(Name of City)

Date \_\_\_\_\_

Employment Characteristics

Job Category	Total Employees	Male					Female						
		White	Black	Span. Amer.	Amer. Indian	Asian Pacific	Other	White	Black	Span. Amer.	Amer. Indian	Asian Pacific	Other
Administrators/ Officials													
Professionals													
Technicians													
Para- Professionals													
Office/ Clerical													
Other:													
Total Percentage	/100%												

Prepared by: \_\_\_\_\_

B. CONTRACT REQUIREMENTS

1. Certifications

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  <b>CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY</b>	
<b>INSTRUCTIONS</b>	
This certification is required pursuant to Executive Order 11246 (30 F. R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.	
Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.	
<b>CERTIFICATION BY BIDDER</b>	
NAME AND ADDRESS OF BIDDER <i>(Include ZIP Code)</i>	
1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause. <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Compliance reports were required to be filed in connection with such contract or subcontract. <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Required	
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
NAME AND TITLE OF SIGNER <i>(Please type)</i>	
SIGNATURE	DATE

Replaces Form HUD-4238.CD-1, which is Obsolete

HUD-950.1 (11-78)

SAMPLE

CERTIFICATION OF BIDDER REGARDING SECTION 3  
AND SEGREGATED FACILITIES

\_\_\_\_\_  
Name of Prime Contractor

\_\_\_\_\_  
Project Name & Number

The undersigned hereby certifies that

- (a) Section 3 provisions are included in the Contract
- (b) A written Section 3 plan was prepared and submitted as part of the bid proceedings (if bid equals or exceeds \$10,000).
- (c) No segregated facilities will be maintained.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name & Title of Signer (Print or Type)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**CERTIFICATION BY PROPOSED SUBCONTRACTOR REGARDING  
EQUAL EMPLOYMENT OPPORTUNITY**

NAME OF PRIME CONTRACTOR

PROJECT NUMBER

**INSTRUCTIONS**

This certification is required pursuant to Executive Order 11246 (30 F. R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the subcontractor has not filed a compliance report due under applicable instructions, such subcontractor shall be required to submit a compliance report before the owner approves the subcontract or permits work to begin under the subcontract.

**SUBCONTRACTOR'S CERTIFICATION**

NAME AND ADDRESS OF SUBCONTRACTOR *(Include ZIP Code)*

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

Yes                       No

2. Compliance reports were required to be filed in connection with such contract or subcontract.

Yes                       No

3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.

Yes                       No                       None Required

4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

Yes                       No

NAME AND TITLE OF SIGNER *(Please type)*

SIGNATURE

DATE

SAMPLE

CERTIFICATION OF PROPOSED SUBCONTRACTOR REGARDING  
SECTION 3 AND SEGREGATED FACILITIES

\_\_\_\_\_  
Name of Sub Contractor

\_\_\_\_\_  
Project Name & Number

The undersigned hereby certifies that

- (a) Section 3 provisions are included in the Contract
- (b) A written Section 3 plan was prepared and submitted as part of the bid proceedings (if bid equals or exceeds \$10,000).
- (c) No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964.

\_\_\_\_\_  
Name & Title of Signer (Print or Type)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

2. SPECIAL EQUAL OPPORTUNITY PROVISIONS

A. Activities and Contracts Not Subject to Executive Order 11246, as Amended

(Applicable to Federally assisted construction contracts and related subcontracts \$10,000 and under)

During the performance of this contract, the contractor agrees as follows:

- (1) The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- (2) The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by Contracting Officer setting forth the provisions of this non-discrimination clause. The Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (3) Contractors shall incorporate foregoing requirements in all subcontracts.

B. Executive Order 11246 (Contracts/subcontracts above \$10,000)

1. Section 202 Equal Opportunity Clause

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination, rates of pay or other forms of

compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and others.
- (6) In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (7) The contractor will include the provisions of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be

binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

2. Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246).  
(Applicable to contracts/subcontracts exceeding \$10,000.)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for minority participation	Goals for female participation
Insert goals	Insert goals for current year

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3 (a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the

contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; and the geographical area in which the contract is to be performed.
  4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county, and city, if any).
3. Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)
1. As used in these specifications:
    - a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
    - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
    - c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
    - d. "Minority" includes:
      - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

- (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
  - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
  - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.
5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
  - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor



shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

- b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
- c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.
- d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor.

The Contractor shall provide notice of these programs to the sources compiled under 7b above.

- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the

Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
- l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
- n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including

circulation of solicitations to minority and female contractor associations and other business associations.

- p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
  - \* q. Covered construction contractors performing contracts in geographical areas where they do not have a federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the contract is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers.
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through q). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through q of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation shall not be a defense for the Contractor's non-compliance.
9. A single goal for minorities and a separate single goal for women have been established.

\* PROPOSED RULE

The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.
13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours

worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

C. Certification of Nonsegregated Facilities (Over \$10,000)

By the submission of this bid, the bidder, offeror, applicant or subcontractor certifies that s/he does not maintain or provide for his/her employees any segregated facility at any of his/her establishments, and that s/he does not permit employees to perform their services at any location, under his/her control, where segregated facilities are maintained. S/He certifies further that s/he will not maintain or provide for employees any segregated facilities at any of his/her establishments, and s/he will not permit employees to perform their services at any location under his/her control where segregated facilities are maintained. The bidder, offeror, applicant or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause of this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, \*transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. S/He further agrees that (except where s/he has obtained identical certifications from proposed subcontractors for specific time periods) s/he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause; that s/he will retain such certifications in his/her files; and that s/he will forward the following notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certifications for specific time periods.

\*parking lots, drinking fountains, recreation or entertainment areas.

D. Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

E. Section 109 of the Housing and Community Development Act of 1974.

(a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

F. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

- a. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
  
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.



### 3. Section 3 Plan

(name of contractor) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the City of \_\_\_\_\_.

- A. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the city the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- \*D. To insert this Section 3 plan in all bid documents, and to require all bidders on subcontracts to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- \*E. To insure that subcontracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending subcontractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.

Loans, grants, contracts and subsidies for less than \$10,000 will be exempt.

J. To list on Table A, information related to subcontracts awarded for the three year period preceding date of this bid submission.

K. To list on Table B, all projected workforce needs for all phases of this project by occupation, trade, skill level and number of positions.

As officers and representatives of \_\_\_\_\_  
(Name of Contractor)

We the undersigned have read and fully agree to this Affirmative Action Plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

PROPOSED SUBCONTRACTS BREAKDOWN TABLE A

FOR THE PERIOD COVERING \_\_\_\_\_ 19\_\_ through \_\_\_\_\_ 19\_\_  
(Duration of the CDBG-Assisted Project)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
TYPE OF CONTRACT (BUSINESS OF PROFESSION)	TOTAL NUMBER OF CONTRACTS	TOTAL APPROXIMATE DOLLAR AMOUNT	ESTIMATED NUMBER OF CONTRACTS TO PROJECT AREA BUSINESSES*	ESTIMATED DOLLAR AMOUNT TO PROJECT AREA BUSINESSES*

\*The Project Area is coextensive with the City of \_\_\_\_\_'s boundaries.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Project Number

\_\_\_\_\_  
EEO Officer (Signature)

\_\_\_\_\_  
Date

ESTIMATED PROJECT WORKFORCE BREAKDOWN

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
JOB CATEGORY	TOTAL ESTIMATE POSITIONS	NO. POSITIONS CURRENTLY OCCUPIED BY PERMANENT EMPLOYEES	NO. POSITIONS NOT CURRENTLY OCCUPIED	NO. POSITIONS TO BE FILLED WITH L.I.P.A.R.*
OFFICERS/ SUPERVISORS				
PROFESSIONALS				
TECHNICIANS				
HOUSING SALES/ RENTAL/MANAGEMENT				
OFFICE CLERICAL				
SERVICE WORKERS				
OTHERS				

TRADE:

JOURNEYMEN				
HELPERS				
APPRENTICES				
MAXIMUM NO. TRAINEES				
OTHERS				

TRADE:

JOURNEYMEN				
HELPERS				
APPRENTICES				
MAXIMUM NO. TRAINEES				
OTHERS				

TRADE:

JOURNEYMEN				
HELPERS				
APPRENTICES				
MAXIMUM NO. TRAINEES				
OTHERS				
<b>TOTAL</b>				

\*Lower Income Project Area residents. Individuals residing within the City of \_\_\_\_\_ whose family income does not exceed 80% of the median income in the county.

COMPANY

C. FAIR HOUSING

## Fair Housing

The following is an explanation of the major Federal and State laws dealing with discrimination in housing.

### Racial discrimination is illegal in all U.S. housing.

- o The Civil Rights Act of 1866 provides that: "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."
- o In the case of Jones V. Mayer, decided on June 17, 1968, the U. S. Supreme Court held that the 1866 law prohibits "all racial discrimination, private as well as public, in the sale or rental of property."

### 1968 Fair Housing Law

- o In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy of providing fair housing throughout the United States. This law makes discrimination based on race, color, religion or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.

### Housing Covered by the 1968 Fair Housing Law

Prohibitions contained in the Fair Housing Law apply to the following types of housing:

#### Single-Family Housing

Single-family housing owned by private individuals when:

- o A broker or other person in the business of selling or renting dwellings is used and/or
- o Discriminatory advertising is used.

Single-family houses not owned by private individuals.

Single-family houses owned by a private individual who owns more than three such houses or who, in any two-year period, sells more than one in which he was not the most recent resident.

#### Multi-family Housing

Multi-family dwellings of five or more units;

Multi-family dwellings containing four or fewer units, if the owner does not reside in one of the units.

## Act not Prohibited by the 1968 Fair Housing Law

The following acts are not covered by the Fair Housing Law. It is important to remember, however, that these acts are covered by the 1866 Civil Rights Act when discrimination based on race occurs in connection with such acts.

The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses if:

- o A broker is not used,
- o discriminatory advertising is not used, and
- o no more than one house in which the owner was not the most recent resident is sold during any two-year period.

Rentals of rooms or units in owner-occupied multi-dwellings for two to four families, if discriminatory advertising is not used.

Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.

Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than a commercial purpose.

## State Fair Housing Law

The Maine Human Rights Commission is the State agency designated by the Maine State Legislature to investigate complaints of unlawful housing. The Commission enforces the fair housing provisions of the Human Rights Act (5 MRSA Section 4551 et seq) and the Child Discrimination Act (14 MRSA Section 6024). The Commission also enforces Title VIII, the federal Fair Housing Act, through a memorandum or understanding with HUD.

### Acts Prohibits:

- o It is unlawful for any owner, real-estate agent, managing agent, or other person having the right to sell, rent, or lease a housing accommodation to discriminate in the price, terms, conditions or privileges of a rental agreement because of a person's race, color, sex, physical or mental handicap, religion, ancestry or national origin or because of an individual's status as a welfare recipient for rental units.
- o It is also unlawful to discriminate against a tenant because a child or children will be occupying a rental unit. However, limits may be placed on the number of people -- but not children -- who may live in a specific unit. Landlords

may set aside 25% of all units for the exclusive use of tenants without children by first registering with the Maine Human Rights Commission. Owner-occupied dwellings of 5 units or less, as well as housing for the elderly, are exempt from the law.

Sample fair housing language to be included when advertising for housing:

- o We do not discriminate against any person because of race, color, sex, physical or mental handicap, religion, or national origin. [Furthermore, we do not discriminate against any person for rental units because of his/her status as a welfare recipient or because a child or children will be occupying the rental unit.]\*

\* This statement relates to State requirements for fair housing and is optional.



SAMPLE  
FAIR HOUSING RESOLUTION  
(For Small Cities and Towns)

LET IT BE KNOWN TO ALL PERSONS of the City/Town of \_\_\_\_\_ that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the City/Town of \_\_\_\_\_ to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. Therefore, the City/Town does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City/Town will assist all persons who feel they have been discriminated against because of race, color, religion, sex or national origin to seek equity under federal and state laws by filing a complaint with the Oregon Civil Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

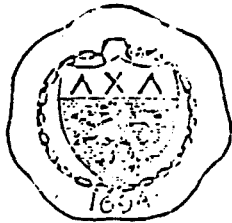
BE IT FURTHER RESOLVED that the City/Town shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or 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 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 in housing.

EFFECTIVE DATE

This Resolution shall take effect \_\_\_\_\_.

SIGNATURES



OFFICE OF THE MAYOR

P R O C L A M A T I O N

WHEREAS: The month of April 198 has been set aside as FAIR HOUSING MONTH to acquaint the public with the urgent need for equal opportunity for all people in their quest for adequate housing; and

WHEREAS: Discriminatory practices, no matter how subtle they may be, should be discouraged in order that all our citizens regardless of ethnic background or income level, may fulfill their dreams of home ownership or of having the right to rent property in locations of their choice; and

WHEREAS: The National Fair Housing Law of 1968 prohibits discrimination in housing and declares it a national policy to provide, within Constitutional limitations, for fair housing in the United States; and

WHEREAS: April has traditionally been designated as Fair Housing Month in the United States.

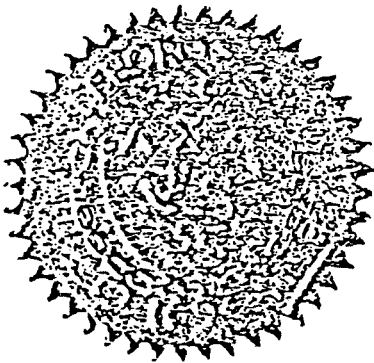
NOW, THEREFORE, I, \_\_\_\_\_ Mayor of the City of \_\_\_\_\_ do hereby proclaim April 198 as

FAIR HOUSING MONTH IN

and I urge all the citizens of the City of \_\_\_\_\_ to practice the letter and spirit of the Fair Housing Law.

Signed and Sealed this 1st Day  
of April in the Year 198 .

\_\_\_\_\_  
Mayor



D. RECORDKEEPING

S A M P L E  
HOUSING REHABILITATION BENEFIT DATA SYSTEM

1 Family Name	2 File #	3 Family Size	4 Elderly HH	5 Handicapped HH	6 Female HH	7 Family Race	8 Annual Income	9 Below 80% of Median Yes / No	10 Owner or Tenant	11 If Tenant, Name of Landlord	12 Date of Applic.	13 Description of Work	14 CDBG Amt.	15 Grant or Loan	16 Private Funds	17 Other Funds if Any (DOE, DCP, FmHA)	18 Total Amt. of Rehab	19 Date File Closed

Grantee \_\_\_\_\_  
 Contract # \_\_\_\_\_  
 Date of Report \_\_\_\_\_

SAMPLE

JOB CREATION BENEFIT DATA SYSTEM

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.
BUSINESS	BASE EMPLT. LEVEL	EMPLT. GOALS	NEW JOBS CREATED TO DATE	CDBG \$	PVT. \$	NEW EMPLT.		INCOME STATUS		SECTION #3		MINORITY	FEMALE	HANDICAPPED HH.	FEMALE HH.
						FULL TIME	PART TIME	LMI	NON- LMI	LOCAL	NON- LOCAL				
TOTALS															

## Instructions for Completing the Job Creation Benefit Table

- Col. 1 List by name and address those businesses within the target area that pledged to increase their employment opportunities, (or retain present employment opportunities) as a result of the CDBG award.
- Col. 2 Of those businesses listed in column 1, indicate their employment as of the date the CDBG award was made.
- Col. 3 For those businesses listed in column 1, indicate the number of new employment opportunities anticipated. The total of column 3 should equal the job creation goal of the CDBG contract.
- Col. 4 As of the date of this report, indicate the cumulative total of new jobs created, by individual businesses.
- Col. 5 Enter the dollar amount of C.D.B.G. funds expended to assist the business in col. 1. Note Loan (L) or Grant (G).
- Col. 6 Enter the source and dollar amount of non-CDBG funds expended to assist the business in col. 1.  
ex. F.A.M.E., State, private, etc.
- Col. 7 Of the new jobs created (col. 4), list the number of full time employment opportunities.
- Col. 8 Of the new jobs created (col. 4), indicate the number of part time jobs in terms of full-time equivalents. For example a person working 20 hours per week would count as a .5 full time equivalent, 10 hours per week .25, 30 hours per week .75, etc.
- Col. 9 Indicate by number those jobs (col. 4) filled by or available to LMI persons. (See Information Letter No. 25).
- Col. 10 Indicate by number those jobs (col. 4) not filled by or not available to LMI persons. (See Information Letter No. 25).
- Col. 11 Of the new jobs created (col. 4), indicate how many were residents of the Section 3 area at the time of the initial hiring.
- Col. 12 Of the new jobs created (col. 4), indicate how many were residents of an area other than the designated Section 3 area of the grantee at the time of the initial hiring. (col. 7 + 8 = col. 4).
- Col. 13 Of the new jobs created (col. 4) enter the number of Blacks (B), Hispanic (H), Asian or Pacific Islanders (A), or American Indian/Alaskan Natives (AI) hired.
- Col. 14 Of the new jobs created (col. 4) enter the number of female employees hired.
- Col. 15 & 16 Of the new jobs created (col. 4) enter in col. 15 the number of positions filled by handicapped heads of household and in col. 16 by female heads of household.

Note: cols. 13-16 will not add to the nos. in col. 4. Also a black, handicapped, female, head of household will be listed in each of columns 13 thru 16.

Community Profile

1. Name of Target Area \_\_\_\_\_

2. Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Population	#	% (100)
A. Race	_____	_____
a. White	_____	_____
b. Black	_____	_____
c. Indian	_____	_____
d. Asian	_____	_____
B. Ethnic Character		
a. Hispanic	_____	_____
b. Anglo/European	_____	_____
c. American Indian	_____	_____
d. Asian	_____	_____
e. Other	_____	_____
4. Households	_____	_____
a. Female headed	_____	_____
b. Male headed	_____	_____
c. Minority headed	_____	_____
d. Elderly	_____	_____

## INSTRUCTIONS

- Line 1: Assign a name to the project area that is locally recognized. If the target area is a city use the city name. If the target area is a neighborhood or unincorporated area apply a common local name.
- Line 2: Give a brief description of the area; its age, income character and location.
- Line 3: When current information is not available use 1980 Census. If Census geography does not correspond to the target area geography, estimate the population using locally developed multipliers.
- Line 3A: When current information is not available use 1980 Census. When there is a current population estimate but no current data about racial mix, apply racial multipliers from the 1980 Census to the current population estimate.
- Line 3B: When current information is not available use 1980 Census. Apply procedure described in line 4 above when a current population estimate exists but there is no current information about ethnic mix.
- Line 4: Households refers to occupied housing units. When current information is not available use the 1980 Census.





Law	Discrimination Prohibited	Coverage	Non-Coverage	Enforcement
<p><b>Title VI – of Civil Rights Act of 1964</b></p> <p>Nondiscrimination in programs or activities receiving Federal financial assistance. Extends to all Federal departments and agencies empowered to extend financial assistance to any program or activity by way of grant, loan or contract other than contract of insurance or guaranty.</p>	<p>No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</p>	<p>Any program or activity receiving Federal financial assistance except by way of contract of insurance or guaranty such as FHA mortgage insurance.</p> <p><input type="checkbox"/> Where there is a grant connected with mortgage insurance Title VI applies (Rent Supplements, 235 &amp; 236). Employment covered by Title VI where a primary objective of the Federal financial assistance is to provide employment.</p>	<p>Employment except where a primary objective of the program is to provide employment or where discriminatory employment practices tend to cause discrimination in the services provided to beneficiaries.</p> <p><input type="checkbox"/> FHA mortgage insurance except where there is financial assistance involved in addition to the mortgage insurance.</p>	<ol style="list-style-type: none"> <li>1. Termination of or refusal to grant or continue financial assistance.</li> <li>2. Refer the matter to the Attorney General for civil action.</li> <li>3. Any other means authorized by law.</li> </ol>
<p><b>Section 109 of Title I – Housing and Community Development Act of 1974</b></p> <p>Nondiscrimination in any program or activity subject to the provision of this title.</p>	<p>No person in the United States shall on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or part under this Title.</p> <p>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 in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.</p>	<p>Any program or activity funded in whole or part, including employment, benefits and services and any program or activity which receives a loan guarantee under this Title.</p>		<ol style="list-style-type: none"> <li>1. Refer the matter to the governor of a State or the chief executive officer in an effort to secure compliance.</li> <li>2. Refer the matter to the Attorney General for civil action.</li> <li>3. Exercise the powers under Title VI.</li> <li>4. Terminate, reduce or limit the availability of grant payments under the procedures pursuant to Section 111(a) of this Title.</li> <li>5. Take such other action as may be provided by law.</li> </ol>
<p><b>Title VIII of the Civil Rights Act of 1968, amended by the Community Development and Housing Act of 1974 to include prohibition against discrimination based on sex.</b></p> <p>The Fair Housing Law provides protection against the following acts, if they are based on race, color, religion, sex, or national origin:</p> <ul style="list-style-type: none"> <li>• Refusing to sell or rent to, deal or negotiate with any person (Section 804(a)).</li> <li>• Discriminating in terms or conditions for buying or renting housing (Section 804(b)).</li> <li>• Discriminating by advertising that housing is available only to persons of a certain race, color, religion, sex, or national origin (Section 804(c)).</li> <li>• Denying that housing is available for inspection, sale or rent when it really is available (Section 804(d)).</li> <li>• "Blockbusting" – For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood (Section 804(e)).</li> <li>• Denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies (Section 805).</li> <li>• Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing (Section 806).</li> </ul>	<p>Race, color, religion, sex, national origin.</p>	<p>Prohibitions contained in the Fair Housing Law apply to the following types of housing:</p> <p><b>Single-Family</b> housing owned by private individuals when:</p> <ul style="list-style-type: none"> <li>• A broker or other person in the business of selling or renting dwellings is used and/or;</li> <li>• Discriminatory advertising is used;</li> </ul> <p><b>Single-family</b> houses not owned by private individuals;</p> <p><b>Single-family</b> houses owned by a private individual who owns more than three such houses or who, in any two-year period, sells more than one in which the individual was not the most recent resident;</p> <p><b>Multifamily</b> dwellings of five or more units;</p> <p><b>Multifamily</b> dwellings containing four or fewer units, if the owner does not reside in one of the units.</p>	<p>The following acts are not covered by the Fair Housing Law.</p> <p>The sale or rental of single-family houses owned by a private individual of three or fewer such single-family houses if:</p> <ul style="list-style-type: none"> <li>• A broker is not used,</li> <li>• Discriminatory advertising is not used and</li> <li>• No more than one house in which the owner was not the most recent resident is sold during any two-year period.</li> </ul> <p><input type="checkbox"/> Rentals of rooms or units in owner-occupied multi-dwellings for two to four families, if discriminatory advertising is not used.</p> <p><input type="checkbox"/> Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.</p> <p><input type="checkbox"/> Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than a commercial purpose.</p>	<ol style="list-style-type: none"> <li>1. <b>Complaints can be sent to HUD.</b> If the discriminatory act is covered by the law, HUD will investigate the complaint. If the Secretary decides to resolve the complaint, HUD may attempt informal, confidential conciliation to end the discriminatory housing practice; or, inform the complainant of his or her right to seek immediate court action. <input type="checkbox"/> The complaint may be referred by HUD to a State or local agency that administers a law with rights and remedies which are substantially equivalent to those of the Federal law. If the State or local agency does not commence proceedings within 30 days and carry them forward with reasonable promptness, HUD may require the case to be returned.</li> <li>2. <b>Court action by an Individual.</b> A person may take a complaint directly to the U.S. District Court or State or local court under Section 812, within 180 days of the alleged discriminatory act, whether or not a complaint has been filed with HUD.</li> <li>3. <b>Court action by the Attorney General.</b> Information about possible discrimination in housing may also be brought to the attention of the Attorney General. If the resulting investigation indicates that there is a pattern or practice of resistance to full enjoyment of rights granted under Title VIII, or that a group of persons has been denied such rights and the denial raises an issue of general public importance, the Attorney General may bring court action to insure full enjoyment of the rights granted by Title VIII.</li> </ol>

Law	Discrimination Prohibited	Coverage	Non-Coverage	Enforcement
<p><b>Affirmative Requirements</b></p> <p>1. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Title (Section 808(d)).</p> <p>2. The Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this Title (Section 808(e)(5)).</p>				
<p><b>Executive Order 12259 – Leadership and Coordination of Fair Housing in Federal Programs</b></p> <p>This Executive Order provides the Secretary of the Department of Housing and Urban Development with the leadership role in the administration of all Federal programs and activities relating to housing and urban development in order to further fair housing throughout the United States, in accordance with Section 808 of Title VIII of the Civil Rights Act of 1968.</p>	Race, color, religion, sex or national origin.	All programs and activities relating to housing and urban development which are operated, administered or undertaken by an Executive agency including agencies which exercise regulatory responsibility.	Programs and activities not operated, administered, or regulated by an executive department or agency.	<p>If any Executive agency concludes that any person or entity has not complied with the Order, it shall endeavor to remedy such violation by informal means, including conference, conciliation and persuasion. In the event of failure of such informal means, the Executive agency shall impose such sanctions as may be authorized by law, including:</p> <p>a. Cancellation or termination of agreements or contracts with such person, entity, or State or local public agency;</p> <p>b. Refusal to extend any further aid under any program or activity administered by it and affected by this Order until it is satisfied that the affected person, entity, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this Order;</p> <p>c. Refusal to grant supervisory or regulatory approval to such person, entity, or State or local public agency under any program or activity administered by it which is affected by this Order or revoke such approval if previously given; and</p> <p>d. Any other action as may be appropriate under its governing laws.</p>
<p><b>Executive Order 11478, as amended – Equal Employment Opportunity in the Federal Government (Public Law 92-261)</b></p>	Employees and applicants for employment shall not be discriminated against because of race, color, religion, sex, national origin, handicap, or age.	Federal employees and applicants for Federal employment.		<p>1. A positive continuing affirmative program in each executive department and agency.</p> <p>2. A complaint procedure with right to appeal to the Merit Systems Protection Board, Equal Employment Opportunity Commission and/or Federal District Courts.</p>
<p><b>Age Discrimination in Employment Act of 1967, as amended.</b></p>	Discrimination based on age.	Federal employees and applicants for Federal employment at least 40 years of age.		Substantially the same as provided in Executive Order 11478, as amended.

Law	Discrimination Prohibited	Coverage	Non-Coverage	Enforcement
<p><b>Executive Order 11063 – Equal Opportunity in Housing, as amended by Executive Order 12259</b></p> <p>All departments and agencies are directed to take all action necessary and appropriate to prevent discrimination in housing and related facilities owned or operated by the Federal Government or provided with Federal financial assistance and in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal Government.</p>	<p>Race, color, religion (creed), sex or national origin.</p>	<p>Housing and related facilities which are owned or operated by the Federal Government or housing and related facilities provided by Federal financial assistance including mortgage insurance and guaranty programs.</p>	<p>Most conventionally financed housing. (However, housing that is covered is such housing constructed on Urban Renewal Land sold by the LPA to the Developer.)</p>	<p><b>Basic enforcement:</b></p> <ol style="list-style-type: none"> <li>1. Cancellation or termination of any agreement of contract.</li> <li>2. Refrain from extending further aid under any program.</li> <li>3. Refuse to approve a lending institution or any other lender as a beneficiary under any program.</li> </ol>
<p><b>Section 3 of the Housing and Development Act of 1968, amended 1969, as amended by Section 118 of Title I, Community Development and Housing Act of 1974.</b></p> <p>Section 3 provides that to the greatest extent feasible training and employment opportunities shall be made available to lower-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.</p>		<p>Programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment or renewal, public or community facilities, new community development and community development block grants under Title I of the Housing and Community Development Act of 1974.</p>	<p>Projects, contracts, and subcontracts connected with programs administered by the Secretary under Section 235 and Section 236 of the National Housing Act, as well as any public housing program and which do not exceed \$500,000 in estimated cost are exempted from the requirements of this part, as is any subcontract of \$50,000 or under on such projects or contracts in excess of \$500,000.</p>	<ol style="list-style-type: none"> <li>1. Sanctions may be imposed such as are specified by the grant or loan agreement or contract.</li> <li>2. Other sanctions may be imposed as are available through rules, regulations or applicable policy of the Department.</li> <li>3. The following actions as are deemed appropriate: <ol style="list-style-type: none"> <li>a. Cancellation, termination, suspension in whole or in part of the contract or agreement; and</li> <li>b. A determination of ineligibility or debarment from any further assistance or contracts under the program with respect to which the failure or refusal occurred, and</li> <li>c. Referral to Department of Justice for appropriate legal proceedings.</li> </ol> </li> </ol>
<p><b>Section 527 of Title V of the National Housing Act as amended by Section 808(a) of the Housing and Community Development Act of 1974.</b></p> <p>Prohibits discrimination on account of sex in extension of mortgage assistance.</p>	<p>No federally-related mortgage loan or Federal insurance, guaranty, or other assistance shall be denied to any person on account of sex and in making federally-related mortgage loans secured by residential property the combined income of both husband and wife shall be considered without prejudice for the purpose of extending mortgage credit to a married couple or either member thereof.</p>	<p>Federally-related mortgage loans as defined by Subsection (b)(1) and (2) of Section 527.</p>	<p>Those lenders and others who do not meet the requirements of Subsection (b)(1) and (2) of Section 527.</p>	<ol style="list-style-type: none"> <li>1. File a complaint with the Secretary of HUD.</li> </ol>
<p><b>Title VII – Equal Credit Opportunity Act, 15 U.S.C. 1691</b></p> <p><b>Prohibition against discrimination with respect to any aspect of a consumer credit transaction.</b></p>	<p>Race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to contract); because all or part of applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.</p>	<p>All persons, financial institutions and other firms who are regularly engaged in the extension, renewal, or continuation of credit.  <input type="checkbox"/> Covers any aspect of consumer credit transactions including residential real estate loans.</p>	<p>Federal agencies and other entities who are not engaged in the extension, renewal or continuation of credit.</p>	<ol style="list-style-type: none"> <li>1. Under the authorities of any of the agencies referred to in Subsection a, Section 704.</li> <li>2. Private civil action.</li> <li>3. Refer the matter to the Attorney General where pattern or practice of discrimination is involved for civil action.</li> <li>4. Such other means as are authorized by law.</li> </ol>

Note: Contract clauses in the contract between HUD and an agency receiving HUD funds prohibit discrimination on the basis of race, color, creed, national origin or sex in employment by the agency receiving grants or loans from HUD. These clauses are based on the Secretary's authority to adopt appropriate rules and regulations, 42 U.S.C. 3535(d). Sanctions which may be imposed are the same as provided relative to Section 3.

Law	Discrimination Prohibited	Coverage	Non-Coverage	Enforcement
<p><b>Section 504 of the Rehabilitation Act of 1973, as amended</b></p> <p>Nondiscrimination based on handicap in federally-assisted and conducted programs and activities.</p>	<p>No otherwise qualified handicapped individual in the United States, shall solely by reason of his/her handicap be excluded from the participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.</p>	<p>Any program or activity receiving Federal assistance, or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:</p> <ul style="list-style-type: none"> <li>• grant, loan or contract other than contract of insurance or guaranty.</li> <li>• services of Federal personnel.</li> <li>• real or personal property.</li> </ul>	<p>Programs involving contracts of insurance or guaranty are exempt under this part.</p>	<ol style="list-style-type: none"> <li>1. Termination of or refusal to grant or continue Federal financial assistance.</li> <li>2. Refer the matter to the Attorney General for civil action.</li> <li>3. Any other means authorized by law.</li> </ol>
<p><b>Age Discrimination Act of 1975, as amended</b></p> <p>Nondiscrimination in programs or activities receiving Federal financial assistance. Allows recipients of Federal funds to continue the use of age distinctions and factors other than age which are reasonable in light of the purpose of the Act. Extends to all Federal departments and agencies empowered to extend financial assistance to any program or activity by way of grant, loan or contract other than contract of insurance or guaranty.</p>	<p>No persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</p>	<p>Any program or activity receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972, the so-called Revenue Sharing Act.</p>	<p>An age discrimination contained in a Federal or State statute, or local ordinance which: provides any benefits or assistance to persons based on age; establishes criteria for participation in age-related terms; or describes intended beneficiaries or target groups in age-related terms.</p> <p><input type="checkbox"/> Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), as amended.</p>	<ol style="list-style-type: none"> <li>1. Termination of or refusal to grant or continue Federal financial assistance.</li> <li>2. Any other means authorized by law including but not limited to: <ol style="list-style-type: none"> <li>a. Referral to the Department of Justice for civil action.</li> <li>b. Use of any requirement of or referral to any Federal, State, or local government which will have the effect of correcting a violation of the Act or implementing regulations.</li> </ol> </li> </ol>

Note: The Vietnam Era Veteran's Readjustment Assistance Act of 1974 (Section 402, Public Law 93-508, 38 U.S.C. 2012) requires Government contractors to take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam Era.

