CHAPTER V

CIVIL RIGHTS

Introduction

Missouri's CDBG recipients and their project contractors will certify compliance with a broad range of State and Federal regulations relating to Civil Rights and Equal Opportunity.

These various statutes are intended to protect the rights of all people, and prohibit discrimination against persons on the basis of race, national origin, religion, color, sex, age, handicap, or familial status. The Missouri CDBG Program is committed to the objectives of civil rights and equal opportunity, and each project is monitored to insure compliance with them.

A detailed listing of civil rights laws applicable to the CDBG program is provided later in this chapter. These various laws and regulations apply to four general areas of CDBG activity: project beneficiaries, employment opportunities, contracting opportunities, and fair housing.

PROJECT BENEFICIARIES

In CDBG funded projects, recipients are prohibited from practicing discrimination on the grounds of race, color, national origin, religion, sex, handicap, or familial status. This prohibition applies directly to the grantee and to all project contractors or subcontractors. Beneficiaries should be determined and demographic data compiled, with this information made available in the project file for public review.

For purposes of the CDBG program, the term **direct beneficiary** is defined as a person or family receiving a direct service (benefit) for which they are required to either complete a personal income verification form, or submit an application for the purpose of demonstrating eligibility under a particular criteria (such as income limit). The term **indirect (area) beneficiary** is defined as a person or family who receives a service (benefit) that is equally provided to the whole community or a targeted portion of the community.

As an example, rehabilitating a house to HQS standards would be considered a direct benefit to the family or families living there. Replacing a water line that serves the entire community or target area would fall under the definition of an indirect (area) benefit; however, providing hookup into a municipal water or sewer system is considered a direct benefit and eligibility must be demonstrated as described in the previous paragraph. Street paving would ordinarily be considered an indirect (area) benefit, as would a new water tower or wastewater treatment system improvement.

Demographic information on direct and indirect beneficiaries is provided to DED at the time of project close-out and is then reported to HUD as part of the State's annual performance report (PERS).

EMPLOYMENT OPPORTUNITIES

Recipients of CDBG funds must not deny the opportunity for employment in any CDBG program or activity on the basis of race, color, religion, sex, or national origin. To the maximum extent possible, grantees must also insure that lower income residents in their community receive any employment or training provided through CDBG projects (see Section 3 Objectives). Statistical data must be collected on the number and percentage by race and gender of the personnel in any department, office, or agency of the unit of local government using CDBG funds to employ staff. For example, if the grant is used to pay a portion of a bookkeeper's salary in the accounting department of the city, then employment information should be available for that department. Public or private entities performing services

under contract to a unit of general local government, such as a regional planning organization or private consulting firm, are exempt from the requirement to track and report this data to DED.

CONTRACTING OPPORTUNITIES

CDBG funding recipients must insure that discrimination does not occur in the solicitation and award of contracts through the development of nondiscriminatory advertising, distribution of solicitations, bid specifications, and evaluation criteria.

Grant recipients and contractors are required to make affirmative efforts to employ minorities and women and to maximize opportunities for minority and female-owned firms to participate in CDBG contracts.

Section 3 Objectives

Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that to the greatest extent feasible preference for economic opportunities such as job training and employment that arise through HUD-assisted projects shall be directed toward Section 3 residents. These persons are defined as low and very low-income residents of public assisted housing or other persons meeting the program criteria (LMI) who live in the project area. Such preference shall be given first to residents inside the specific area covered by the project, followed by residents in the non-metropolitan county in which the project is located. Section 3 contracts awarded in connection with CDBG projects are defined as contracts to:

- Businesses with an ownership that represents at least 51% Section 3 residents;
- Businesses employing Section 3 residents in full-time positions; and
- Businesses that subcontract with other entities whom provide economic opportunity to Section 3 residents.

Additional Section 3 reporting and performance requirements apply to the grantee if the CDBG award is for more than $200,000, and to all contractors and subcontractors receiving over $100,000 if the $200,000 threshold is met.

Compliance checklist for MBE/WBE and Section 3 requirements

1. Follow equal opportunity and affirmative action guidelines in hiring and personnel practices.
2. Develop a list of minority-owned, female-owned, and Section 3 businesses to be advised of opportunities for participation in project contracts. The Chamber of Commerce or similar business association in an area can often provide the names of eligible firms. Regional planning organizations may also maintain lists covering their service areas. Missouri state agencies that can provide similar information include the Department of Transportation and the Office of Administration/Office of Supplier and Workforce Diversity (OSWD). The CDBG Civil Rights Specialist can provide contact information for the agencies listed above.
3. Notify eligible MBE/WBE and Section 3 firms of contract opportunities. This can be done through public notices, including minority newspaper advertising and/or sending information to disadvantaged business concerns who could reasonably be expected to submit a bid. It is essential that all bid notices, including Affirmative Action efforts, be distributed in a timely fashion. Refer to the Procurement Chapter of this manual for additional requirements regarding the advertising and direct solicitation of bids.

4. Insert applicable Section 3 requirements and equal opportunity provisions in bid documents and contracts (see the Contract Management Chapter for details). Grant recipients shall require all covered bidders to submit their Section 3 proposed use plan in accordance with numerical goals established as a "safe harbor" for compliance with Section 3. These include the following minimum targets:

    a. **Training and Employment:** A total of 30% of the aggregate number of new hires.

    b. **Contracting**:

        1. At least 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction going to Section 3 business concerns; and

        2. At least 3% of the total dollar amount of all other covered Section 3 contracts going to Section 3 business concerns.

5. Maintain supporting documentation that reflects the recipient's Section 3 compliance activities, along with affirmative action and equal opportunity efforts in the areas of employment, program benefits, contracting, and housing activities.

6. Monitor contractor and subcontractor compliance with applicable MBE/WBE and Section 3 provisions.

7. Obtain information from prime contractors on Section 3 accomplishments (Tables C and D of CDBG bid materials, if applicable) prior to approving the final contract payment.

Reporting of MBE/WBE and Section 3 Compliance Efforts

To insure appropriate documentation on a timely basis, the CDBG program has developed a Contract Solicitation Record for use in maintaining an internal record of efforts to involve target group (MBE/WBE and Section 3) businesses in a project. This can be a helpful tool in verifying solicitation of bids, price quotations, and proposals from all participating contractors and professional service providers.

The Contract Solicitation Record form can also be used as a reference in completing the Contract and Subcontract Activity Report, formerly known as the Minority Business Participation Report, **which must be submitted to CDBG by October 15 each year for activities occurring within the previous twelve-month period**. Instructions for completing the report are found on the back of the report form.

The Section 3 Summary Report has been added to the close-out packet. Please refer to pages XI-18 and XI-19 in the close-out chapter.

SECTION 504

Missouri CDBG grantees are required by Federal law and program regulations to conduct a self-evaluation of accessibility to determine if their current programs, services, policies, and practices meet the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

FAIR HOUSING

This area has traditionally been a strong focus for civil rights efforts in the United States and continues to represent a key objective for both HUD and the Missouri CDBG program. CDBG grant recipients are required to adopt a fair housing ordinance. All recipients must also complete and document two Fair Housing actions each year that the grant is open. One of these actions is an effort to address the Impediment to Fair Housing Choice. The other action is an effort to affirmatively further fair housing. CDBG staff will monitor to determine that grant recipients take the appropriate actions. In an effort to help differentiate between the two, we have included the following information.

Efforts to Address Impediments to Fair Housing Choice

Fair Housing choice means that all persons have the same access to housing choices regardless of race, color, national origin, religion, sex, disability, familial status, or income level. An Impediment to Fair Housing Choice is a barrier or something that prevents a person from exercising that right. In 1997, the CDBG program contracted with a private consultant to perform an extensive study to assess the existence of both real and perceived impediments to fair housing choice in the State of Missouri. The findings from the study indicated impediments to fair housing choice exist throughout the state in each of the following categories (listed here without regard to order of importance):

1. The shortage of affordable housing
2. The income variable
    - Landlords unwilling to rent to families receiving public assistance
    - Lengthy waiting lists for public housing
    - Source of income and past consumer credit problems used to deter or deny mortgage loan applications
3. Discrimination based on historical prejudices
    - Familial status (unwed couples, female heads of household, three or more children)
    - Race (exploitation has been specifically identified where lack of occupancy laws is generating overcrowding in housing)
4. Lack of knowledge/education about fair housing choice
    - A majority of the persons surveyed did not know how to properly file a fair housing complaint
    - Limited knowledge of individual rights under fair housing laws
5. Ordinances, regulations, and policies that cause disparate impact
    - Inflexible Section 8 and Public Housing regulations
    - Cumbersome paperwork requirements for state and Federal housing programs
    - Overly restrictive zoning and permitting practices

We have recently reviewed the validity of our five impediment focus areas. Based on out analysis, we will keep the same five impediment focus areas. Also, the strategy of focusing on one impediment area per year for the next five years will remain. The CDBG program will continue to provide technical assistance, including a new list of activities that grantees may perform with each new category. Please

note that in order to achieve this Fair Housing compliance element, CDBG funding recipients must complete an action to eliminate or minimize an identified impediment each year their project is open.

Efforts to Affirmatively Further Fair Housing

Title I of the Housing and Community Development Act of 1974, as amended, requires that recipients of HUD funding (including states and their grantees) affirmatively further fair housing. This typically takes the form of promoting and publicizing Fair Housing and Civil Rights laws. The following are examples of actions that can be taken to do this. Local conditions and needs should determine the type of activities undertaken. Adoption of a Fair Housing Ordinance is a program requirement; therefore, something **in addition** to this should be done as a furtherance action. It should be noted that the Fair Housing Act Amendments of 1988 added handicapped (disabled) individuals and families with children to the list of protected status categories under Federal law.

Suggested Fair Housing Furtherance Actions

1. Schedule special fair housing activities during April, which is National Fair Housing Month. Many grantees adopt and publish a Fair Housing Month proclamation similar to the sample distributed each year by the CDBG Program.
2. Post and publish any **revisions** to local Fair Housing policies that bring the grantee into compliance with current State and Federal laws.
3. Encourage active participation in community efforts to enact strong fair housing policies.
4. Develop and display informational materials to promote local awareness of fair housing laws and guidelines (e.g., fair housing pamphlets, fair housing logo on official stationery, fair housing policy statements, etc.).
5. Display State and Federal fair housing posters in places of public accommodation throughout the community.
6. Participate in the New Horizons Housing Opportunity Program.
7. Provide funding for local fair housing organizations, and assist in their development.
8. Offer outreach, counseling, and referral services to aid LMI persons residing in areas of minority concentration to find assisted housing outside those areas.
9. Obtain housing units outside areas of minority concentration for use as assisted housing.
10. Acquire sites outside areas of minority concentration for the development of assisted housing.
11. Assemble a comprehensive inventory of available land suitable for the development of assisted housing.
12. Conduct educational programs focused on prospective homebuyers or renters, businesses, local government employees, and members of housing-related industries (e.g., real estate agents, mortgage lenders, builders, homeowners' insurance companies, etc.) regarding fair housing rights and responsibilities.
13. Develop public information and educational programs to provide fair housing information to the community. Recipients can focus these programs on the following types of groups:
    - Citizen groups concerned with housing issues (fair housing groups, tenant associations);

- Organizations representing specific population groups (minorities, women, senior citizens, families with children, single-parent families, etc.) known to have suffered from discriminatory practices in the past; and
- Other local organizations (advocacy groups, unions, voters' leagues).

Methods which can be used to inform and involve the public in Fair Housing awareness efforts may include (but not be limited to) the following:

- Canvassing the community through a mail campaign, which could involve inserting a flyer in local utility bills or tax statements;
- Placing a public service announcement on local radio and/or a community cable television access channel; and
- Sponsoring a Fair Housing poster contest in local schools.

14. Use local resources to assess public opinion about the status of fair housing in the community. Suggested contacts for this effort would include:
    - Fair housing organizations
    - Public/private community centers and social service facilities
    - Civil rights advocacy groups
    - Organizations representing minorities, women, senior citizens, persons with disabilities, and other protected status categories
15. Document actions taken at the local level to address fair housing impediments identified in the statewide study. Public notice of this activity, and/or other forms of public participation in the process, can be considered as a qualified furtherance action.
16. Encourage local lending institutions, realtors, insurers, and other housing-related service providers to include the Fair Housing logo and policy statements in all advertising done through the Internet or related means, such as Community Information Networks, local cable access channels, etc.
17. Facilitate development of a local Habitat for Humanity chapter in your jurisdiction, or support activities of local chapters already in existence. A list of active chapters in Missouri can be accessed through the HFH website, http://www.habitat.org.
18. Invite a representative from a Federal or State agency concerned with Fair Housing issues to a local advocacy group meeting or informational program.

COMPLAINT PROCESSING

Within the context of the Missouri CDBG program a civil rights complaint alleges discrimination based on race, national origin, religion, color, sex, age, handicap, or familial status in program-related benefits, employment, contracting, or fair housing practices. If a complaint arises, a full report should be sent to DED. DED will then forward the information to HUD and a corrective action will be decided upon. CDBG grantees, including counties, are to have local policies in place that provide a mechanism for processing Fair Housing complaints within their jurisdiction.

SUMMARY OF PROGRAM REQUIREMENTS

The following actions must be taken by all grantees (including counties) in the area of civil rights, fair housing, and equal opportunity:

1. Develop and enact a local fair housing policy that is substantially equivalent to current Federal fair housing law and provides an effective enforcement mechanism to which local resources are committed.
2. Develop and enact local laws, or guarantee enforcement of existing policies, prohibiting the use of excessive force by law enforcement personnel within the grantee's jurisdiction against non-violent civil rights demonstrations. This policy should also include a prohibition against the physical barring of the entrance or exit to a facility or location that is the subject of such demonstration.
3. Plan and implement a qualified action on an annual basis (by program year) to address impediments to fair housing choice within the grantee's jurisdiction.
4. Plan and implement a qualified action on an annual basis (by program year) to affirmatively further fair housing within the grantee's jurisdiction.
5. Complete section 504 self-evaluation, and take the necessary action to reduce or eliminate any disparate impact.

The CDBG staff can provide sample ordinances/resolutions and technical assistance materials that can be used as a guide in developing and implementing appropriate local policies.

DED MONITORING

The CDBG staff will monitor for program compliance through a review of reports and site visits to projects. Field representatives will use the Equal Opportunity/Civil Rights Field Report (see the monitoring checklist in the Program Administration Chapter) to review recipient compliance. The types of records to maintain in the project file include the following:

- Equal opportunity advertising statements
- Statements on hiring policies
- Employment data summaries
- Section 3 employment efforts and business utilization reports (Tables C and D) from contractors
- Data on distribution of direct and indirect benefits
- Contract records documenting civil rights compliance in contractor procurement, and proof of inclusion of all applicable civil rights certifications in project contracts
- Complaints (if any) and their resolution

- Actions taken to affirmatively further fair housing
- Actions taken to reduce an impediment to fair housing
- Policies adopted and enforced regarding fair housing and use of excessive force
- The internal Contract Solicitation Record along with copies of the Contract and Subcontract Activity Reports when submitted to DED

STEPS TO TAKE AND DOCUMENT IN CIVIL RIGHTS COMPLIANCE

- Follow equal opportunity guidelines in personnel practices.
- Develop a written Section 3 Affirmative Action Plan for all grants of $200,000 and above.
- Maintain a list of area MBE/WBE and Section 3 businesses.
- Notify target group contractors and professional service providers of contract opportunities.
- Include Section 3 and equal opportunity provisions in bid documents and contracts.
- Monitor contractor and subcontractor performance in meeting civil rights/equal opportunity objectives, including affirmative action hiring goals.
- Maintain data documenting compliance with non-discrimination, equal opportunity, and affirmative action requirements.
- Maintain file records of civil rights based complaints, including documentation of all actions taken to resolve complaints.

SUMMARY OF CIVIL RIGHTS LAWS, EXECUTIVE ORDERS, AND REGULATIONS

CDBG grantees must assure that all project activities will be administered in compliance with civil rights laws and regulations. The following are summaries of those parts of the civil rights laws and regulations that are applicable to CDBG activities.

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

Title VIII of the Civil Rights Act of 1968, as amended, provides that no person shall, on the basis of race, color, religion, sex, national origin, handicap, or familial status, be discriminated against in housing (and related facilities) provided with Federal assistance or lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

Section 109 of the Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the ground of race, color, national origin, religion, 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 Title I of the Housing and Community Development Act of 1974.

Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that, to the greatest extent feasible, opportunities for training and employment shall be given to recipients of public housing and lower-income residents of the unit of local government or the metropolitan area (or non-metropolitan county) in which the project is located. Contract work in connection with such projects shall be awarded to business concerns which are owned in substantial part by persons residing in the same metropolitan area (or non-metropolitan county) as the project, employ Section 3 residents in full-time positions, or subcontract with businesses which provide economic opportunities to lower income persons.

Section 503 of the Rehabilitation Act of 1973, as amended, provides for nondiscrimination in contractor employment. All recipients of Federal funds must certify Affirmative Action for Handicapped Workers in all contracts issued:

1. The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices, such as employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
3. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment and the rights of applicants and employees.
5. The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973 and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
6. The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

Section 504 of the Rehabilitation Act of 1973, as amended, provides for nondiscrimination of an otherwise qualified individual solely on the basis of his/her handicap in benefiting from any program or activity receiving Federal financial assistance. All recipients must certify to compliance with all provisions of Section 504.

Age Discrimination Act of 1975 provides that no person 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.

Executive Order 11063, as amended, directs all departments and agencies 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.

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. Grantees shall comply with Executive Order 11246, as amended by Executive Order 12086, and the regulations issued pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or Federally assisted construction contracts. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on Federal or Federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training and apprenticeship.

Section 106(d) (5) (B) of Title I of the Housing Community Development Act of 1974, as amended, provides that the grantee will affirmatively further fair housing.

Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act) requires each unit of general local government which receives Title I funds to adopt and enforce a policy prohibiting the use of

excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

Section 906 of the Cranston-Gonzales National Affordable Housing Act, as amended by subsection 104(1) of the HCD Act of 1974, states that no CDBG funds may be obligated or expended to any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations or fails to adopt and enforce a policy of applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

Note: Unlike the similar prohibition in the 1990 HUD Appropriations Act, Section 906 clearly applies to all units of general local government, including counties.

A GUIDE TO CIVIL RIGHTS LAWS AND THEIR APPLICABILITY TO VARIOUS CDBG-FUNDED ACTIVITIES

Benefits, Services, Methods of Administration

* Title VI, Civil Rights Act of 1964
* Section 109, Housing and Community Development (HCD) Act of 1974, as amended
* Section 504, Rehabilitation Act of 1973, as amended
* Age Discrimination Act of 1975, as amended
* Section 104, HCD Act of 1974, as amended

Housing and Related Facilities

* Title VIII, Civil Rights Act of 1968, as amended (Federal Fair Housing Law)
* Executive Order 11063, as amended
* Section 104, HCD Act of 1974, as amended

Employment

* Section 109, HCD Act of 1974, as amended
* Section 3, Housing and Urban Development Act of 1968, as amended
* Executive Order 11246, as amended
* Sections 503 and 504, Rehabilitation Act of 1973, as amended

Contracting (Business Opportunities)

* Section 109, HCD Act of 1974, as amended
* Section 3, HCD Act of 1968, as amended

Displacement/Relocation

* Title VI, Civil Rights Act of 1964
* Section 109, HCD Act of 1974, as amended
* Title VIII, Civil Rights Act of 1968, as amended
* Section 104, HCD Act of 1974, as amended

STATE PROCEDURES FOR HANDLING CIVIL RIGHTS COMPLAINTS OF DISCRIMINATION

Civil Rights complaints relevant to the Missouri CDBG Program allege discrimination based on race, national origin, religion, color, sex, age, handicap, or familial status in program-related benefits, employment, contracting, or fair housing efforts. When a written complaint is sent to the Missouri Department of Economic Development, either directly by a complainant from a CDBG-funded city or county, their representative, or the designated local intake officer, the matter will be referred to:

Fair Housing Hub
U.S. Department of Housing and Urban Development (HUD)
Kansas City Region VII Office
Office of Fair Housing and Equal Opportunity
Gateway Tower II
400 State Avenue, Room 200
Kansas City, KS 66101-2406

Phone: 913-551-6958
Toll Free: 800-743-5323
TTY: 913-551-6972

Other field office in Missouri:

U.S. Department of Housing and Urban Development (HUD)
Office of Fair Housing and Equal Opportunity
1222 Spruce Street
St. Louis, MO 63102

Phone: 314-539-6322
TDD: 314-539-6331

Additional Resources

National Fair Housing Alliance
1101 Vermont Ave. NW, Suite 710
Washington, DC 20005
http://www.nationalfairhousing.org/

Phone: 202-898-1661

National Fair Housing Complaint Hotlines
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000

Toll Free: 800-669-9777

HUD Internet website for filing Fair Housing complaints
http://www.hud.gov/offices/fheo/online-complaint.cfm

Title VIII housing discrimination complaints, which may or may not be CDBG-related, can be filed with either HUD or the appropriate State agency:

Missouri Human Rights Commission
3315 W. Truman Boulevard
Jefferson City, MO 65102-1129
Email: MCHR@dolir.mo.gov

Phone: 573-751-3325
FAX: 573-751-2905
TDD: 573-526-5091

Toll Free Discrimination Complaint Hotline
877/781-4236

Relay Missouri
Toll Free: 800-735-2466
TDD: 800-735-2966

Field Offices:

St. Louis
505 Washington
St. Louis, MO 63101
Phone: 314-340-7590
FAX: 314-340-7238
TDD: 314-340-7803

Kansas City
4049 Pennsylvania Avenue, Suite 150
Kansas City, MO 64111
Phone: 816-889-5100
FAX: 816-889-5107
TDD: 816-889-5106

Sikeston
108 W. Center Street
Sikeston, MO 63801-3040
Phone: 573-472-5320
FAX: 573-472-5321
TDD: 573-472-5223

Springfield
505 E. Walnut
Springfield, MO 65805-0025
Phone: 417-895-5620
FAX: 417-895-5637

MISSOURI
Department of Economic Development

CONTRACT SOLICITATION RECORD

Grantee	Date
Type of Contract or Purchase	CDBG Project #

Firm/Vendor Name Address	Federal Tax ID#	Phone or FAX number (please specify)	Date Contacted	Bid or Response

Instructions for Completing the Contract Solicitation Record

- The form must be completed for every contract let and small purchase (based on program definition) using CDBG funds.
- The recipient must provide the name and address of each firm or vendor and the date they were informed.
- The specific amount of the bid or quote should be listed for each responding firm or vendor.
- A code number indicating the type of business ownership must be recorded in the appropriate column. The codes are listed at the bottom of the form.

MO 419-2889 (05-07)

MISSOURI
Department of Economic Development

CONTRACT AND SUBCONTRACT ACTIVITY

1. Grantee								2. Location (City, State, Zip Code)				
3. Grant Number				4. Name of Contact Person				5. Phone Number (include area code)		6. Reporting Period:		7. Date Submitted:
8. Grant Activity Number	9. Amount of Contract/or Subcontract	10. Racial Codes (See below)	11. Hispanic (Yes/No)	12. Female-Owned Business (yes/no)	13. Section 3 Business (yes/no)	14. Prime Contractor Identification (ID) number	15. Subcontractor Identification (ID) number	16. Contractor or Subcontractor Name and Address				
								Name	Street or P.O. Box	City	State	Zip Code

MO 419-2887 (05/07)

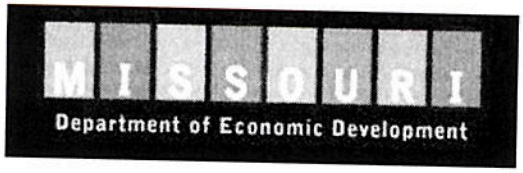
Racial Codes

7. White
1. Black or African American
2. American Indian or Alaska Native
3. Asian
4. Native Hawaiian or Other Pacific Islander

INSTRUCTIONS FOR COMPLETING CONTRACT AND SUBCONTRACT ACTIVITY REPORT

Explanation by Column

1. Grantee – enter the name of the unit of government submitting this report.
2. Location – location of activity.
3. CDBG project number.
4. Contact person – enter name of person responsible for maintaining and submitting contract/subcontract information for the grantee.
5. Enter phone number of contact person.
6. Enter the reporting period (Twelve month period beginning October 20- -).
7. Enter date the report is submitted to CDBG.
8. Grant Activity Number – enter applicable activity number from Funding Approval.
9. Amount of contract/subcontract – enter the exact dollar amount. If subcontractor ID number is provided in 15, the dollar figure would be for the subcontract only and not for the prime contract. **Be certain to report only CDBG funds in this column.**
10. Business Racial Code – enter the single numeric code (1 thru 5) which indicates the racial/ethnic character of the owner(s) and controller(s) of 51% or more of the business. When 51% or more is not owned and controlled by any single racial/ethnic category, enter the code that seems most appropriate. If the subcontractor ID number is provided, the code would apply to the subcontractor and not the prime contractor.
11. Hispanic – enter yes or no indicating whether or not the owner/controllers are of Hispanic origin. Yes would indicate a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
12. Female-Owned Business – enter yes or no indicating whether or not the business is female-owned. A female-owned business is one that is 51% or more owned or controlled by a female(s).
13. Section 3 Business – enter yes or no indicating whether or not the contract is with a Section 3 business. A Section 3 business is one that is either 51% owned by Section 3 residents, 30% of all full-time employees are Section 3 residents, or 25% of all subcontracts are awarded to Section 3 businesses.
14. Contractor Identification (ID) Number – enter the Employer (IRS) number of the prime contractor as the unique identifier for the prime recipient of CDBG funds. **Note that the IRS number must be provided for each contract/subcontract awarded.**
15. Subcontractor Identification (ID) Number – enter the Employer (IRS) number of the subcontractor as the unique identifier for each subcontract awarded from CDBG funds. When subcontractor ID number is provided, the respective prime contractor ID number must also be provided.
16. Contractor/Subcontractor Name and Address – enter this information for all firms receiving contract/subcontract activity. This information needs to be listed only once per firm on each page of the report.



CDBG MODEL SELF-EVALUATION FOR SECTION 504/ADA COMPLIANCE

The following technical assistance questionnaire is separated into three sections. Grantees who have less than 15 full time employees need only complete Part I; grantees that employ 15 or more full time employees are required to complete Part I, Part II, and Part III. **All grantees** are required to complete the relevant portions of this questionnaire and maintain this information in the Citizen Participation file for public review and on-site monitoring by CDBG field staff.

How many full time employees does the grantee have? _____

Part I (to be completed by all grantees)

1. Briefly, describe your community's programs and services, including their purpose, scope, activities, and participants. The following includes examples of public services you might provide that would be covered under the Act:
   a. Water and sewer service, or other municipal utilities such as electricity, natural gas, etc.
   b. Parks and Recreation programs
   c. Transportation infrastructure (streets, sidewalks, public transit, etc.)
2. Provide a brief description of the various policies that direct the operation of the programs and services you listed. Identify any current exceptions, special provisions, or separate programs designed for persons with disabilities.
3. Identify any program qualifications, eligibility, admission requirements, or licensing standards that an individual must meet that might negatively affect individuals with disabilities. For each item answered that appears to have a negative effect, include a description of action(s) planned to reduce or eliminate the disparate impact.
   a. Do you currently provide a qualified disabled individual the opportunity to participate in, or benefit from, the aid, benefit, or service you provide? Examples might include accessibility to the spectator seating area at the city's baseball field, or the rodeo arena at the county fairgrounds.
   b. Do you provide opportunities for participation or benefit to the disabled, equal to opportunities afforded the population at large?
   c. Do you avoid providing different or separate aids, benefits, or services to a qualified individual with a disability unless proven necessary to make them as effective as the aids, benefits, or services provided to others?
   d. Do you exercise due diligence to avoid assisting or contracting with any persons or entities that are known to discriminate based on disability?

e. Do you allow qualified disabled individuals a full opportunity to participate in all local policy planning or advisory boards? This includes providing reasonable accommodations in the scheduling of time and/or location of meetings, use of auxiliary aids including guide dogs, etc.

4. In the area of employment, describe your policies, practices, or procedures followed to ensure non-discrimination based on disability in:

   a. Public advertising of vacant positions and other job opportunities;
   b. Processing and review of applications;
   c. Testing and minimum requirements as a condition of employment;
   d. Interviewing, including responding to requests for accommodation and use of nondiscriminatory questions;
   e. Promotion/demotion, layoff/reinstatement, or transfer, including changes in compensation resulting from these actions;
   f. Job assignments/classifications and nondiscriminatory treatment by supervisory personnel;
   g. Access to benefits, including policies on use of vacation and sick leave, unpaid leave of absence, and compensatory time. Also include opportunities for training, attendance at conferences, or other supported activities, including recreational or social programs, health and insurance benefits, etc.; and
   h. Process for considering a request for a reasonable accommodation on the job, including method of determining whether an individual with a disability is capable of performing the essential functions of a particular job with or without a reasonable accommodation.

5. To insure that your communication with disabled applicants, participants, and members of the public are as effective as communications with non-disabled individuals, the grantee should address the following:

   a. If any written materials are produced on a program or service, indicate whether the following alternative formats are provided:

1. Audio tape	❑ Yes	❑ No
2. Braille	❑ Yes	❑ No
3. Reader	❑ Yes	❑ No
4. Aide	❑ Yes	❑ No
5. Mailed to home	❑ Yes	❑ No
6. Large print format	❑ Yes	❑ No
7. Interpreter	❑ Yes	❑ No
8. Other assistance	❑ Yes	❑ No

   b. How would a disabled person learn about these auxiliary aids and services, and how could they request such assistance from you?

c. How will you ensure that meetings, hearings, and conferences are accessible for individuals with communication disabilities?

d. Do you currently offer TDD (telecommunication device for the disabled) access within your communications system?

e. Is 911 or E-911 emergency service offered within your jurisdiction? If so, is there a TDD connected to your system?

f. Do you have a toll-free phone number to access services and programs? If so, is it usable by persons with hearing impairments?

g. Do you have any public telephones located within your facilities? If so, is at least one phone hearing aid compatible?

h. If you determine that equally effective communication cannot be provided, you must include a statement in your self-evaluation explaining why the service, program, or activity would be fundamentally altered or result in undue financial and administrative burdens. You must also include a description of alternative actions that will be taken to provide the benefits or services to the maximum extent possible.

Part II (to be completed by grantees with 15 or more employees)

1. Do you have a policy regarding non-discrimination on the basis of disability that is in compliance with CDBG requirements? ❑ Yes ❑ No

If you answered No to this question, you may contact the CDBG office for a sample policy and initial notice. If you answered Yes to this question, have you published a notice regarding this policy? (Please include the publication date.)

2. Is a copy included in the appropriate project files with your self-evaluation and other related documentation? ❑ Yes ❑ No

3. Does your Notice of Nondiscrimination include the following:

   a. Contact information for your 504/ADA coordinator ❑ Yes ❑ No

   b. How to request auxiliary aids or other services ❑ Yes ❑ No

   c. That alternative formats are available ❑ Yes ❑ No

   d. That a complaint grievance procedure has been adopted ❑ Yes ❑ No

4. Do you have a grievance procedure? ❑ Yes ❑ No

If you answered No, then you must adopt one for successful completion of this project. You may contact the CDBG office for a sample copy.

If you answered Yes, does it include the following?

   a. A statement allowing an individual to submit a grievance in alternative formats ❑ Yes ❑ No

   b. A time limit for filing a grievance procedure ❑ Yes ❑ No

   c. Information on how to also file a complaint through appropriate State or Federal agencies ❑ Yes ❑ No

Part III Section 504 Transition Plan (to be completed by grantees with 15 or more employees)

Please complete the attached Section 504Transition Plan Outline for **EACH** publicly owned facility in your jurisdiction.

I have reviewed the above self-evaluation and believe it to be accurate as of this date.

_____ _____

Signature, Chief Elected Official Date

MO 419-2913 (05/07)

MISSOURI
Department of Economic Development

SECTION 504 TRANSITION PLAN OUTLINE

Date: _____

Name of person completing this form: _____

Title: _____

Phone Number: _____

E-Mail Address: _____

Name and address of facility:

Necessary structural changes (if needed):

Type of action to be taken:

Person responsible for overseeing action:

Projected start date for action:

Projected completion date for action:

Projected cost for completing project:

MO 419-2912 (05/07)

CIVIL RIGHTS HELPFUL HINTS

- Refer to page V-7 for a complete compliance list.
- An activity to **further fair housing** is not the same as an action intended to **reduce impediments to fair housing choice**. The grantee must produce one activity for each per year that the grant is open.
- Make sure your construction bidders complete the Section 3 forms.
- Document all direct and indirect beneficiaries, by reporting category, in preparation for the close-out.

Jeremiah W. (Jay) Nixon
Governor

MISSOURI
Department of Economic Development

David Kerr
Director

To: CDBG Grantees, Project Administrators, and Interested Persons
From: Rachelle Dunlap, CDBG Field Representative
RE: FY-11 Analysis of Impediments to Fair Housing Choice compliance

Impediments to fair housing choice may be defined as:
"Any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict choices or the availability of housing choices"
"Any action, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin"

In 2002 we identified, through a statewide study, several impediments to fair housing choice in rural Missouri. The study is available by request by contacting the CDBG office at 573/751-3600. We classified those impediments into five categories:

The lack of knowledge or education regarding individual rights.
The "income factor"
Discrimination
The lack of affordable housing
Ordinances, regulation, and policies

For the 2003-2007 Consolidated Plan, we chose the method of addressing one category per year to focus on from the list above.

For the years 2008-2012, the state decided to continue the practice of focusing on one impediment per year and to recycle the list of impediments above.

The outcome for 2011 (with a focus on *lack of affordable housing*) is aimed at increasing awareness about the impact affordable housing, or the lack thereof, on a community.

The contents of this packet are technical assistance materials that relate directly to the impediment classified as, "The *lack of affordable housing*". These materials have been compiled so that your community can achieve our desired outcome and compliance with CDBG as grantees.

The following is a list of suggested actions for 2011:

1. Publicly post the enclosed "Because Not Every Home is a House." posters from the National Multi Housing Council.

2. If your city has a website, you may provide a link to the Missouri Housing Development Commission's Affordable Housing Locator: http://ahl.mhdc.com/

3. If your city has a website, you may provide a link to the Department of Housing and Urban Development's page on affordable housing:
http://www.huduser.org/publications/affhsg.html

4. Educate yourself and your staff about the need for affordable housing, the existing stock of affordable housing in your community, and its benefits. Then, Conduct a "following up" study to document the actual impacts and benefits of affordable housing in your community; publicize the findings broadly.

5. Based on the education and facts, establish affordable housing policy priorities (e.g. which populations and types of housing are most critical and what funding sources are needed). Then initiate and support reform of zoning ordinances, planning codes and housing policy to comply with federal and state fair housing laws and to promote affordable housing (e.g. streamline the funding and land use approval process, identify and rezone sites for multi-family housing,

Fair Housing Month Sample Proclamations:

Sample One:

FAIR HOUSING MONTH

WHEREAS, *April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and*

WHEREAS, *the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and*

WHEREAS, *vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and*

WHEREAS, *illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;*

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the ***(city council/presiding commission)*** *of* ***(name of community)****, Missouri, does hereby join in the national celebration by proclaiming*

APRIL, (Year)
as
FAIR HOUSING MONTH

and encourages all agencies, institutions and individuals, public and private, in ***(name of community)*** *to abide by the letter and the spirit of the Fair Housing law.*

Signed and sealed this ___ day of April, _____.

Sample Two

Proclamation

WHEREAS, April 11, 2011, marks the 43rd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

NOW, THEREFORE, I, (or we) (name, title) of the (state/city/county) of (name), do hereby resolve that April 2011, being Fair Housing Month, begins a year-long commemoration of the U.S. Fair Housing Law in (name of town) and urge all citizens to wholeheartedly recognize this celebration throughout the year.

APPROVED this (date) day of (Month), 2011

Note: For this one you will need to update the year and number of the anniversary in each subsequent proclamation.

April is Fair Housing Month

Whether people are trying to rent, buy, sell, or finance a home or apartment, as a tenant, homeowner, or landlord, they need to know the rights and protections provided by the Federal Fair Housing Act, and state and local fair housing laws. It's equally important for people to know where to file a complaint if they suspect they are a victim of discrimination or predatory lending.

Federal law makes it unlawful to discriminate in housing based on race, color, national origin, religion, sex, disability or family status (families with children under the age of 18, or who are expecting a child). Broader protections are often provided under state, county, or city laws.

If you feel that your fair housing rights have been violated, you can file a complaint with the U.S. Department of Housing and Urban Development by calling HUD's national toll-free hotline

(1-800-669-9777).

Discrimination in Housing is Prohibited

MCHR

www.labor.mo.gov/mohumanrights

The Missouri Human Rights Act makes it illegal to discriminate in any aspect of housing because of an individual's race, color, religion, national origin, ancestry, sex, familial status (children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), or disability, including:

- Refusal to rent or sell housing;
- Lying about the availability of housing;
- Evicting someone from housing;
- Sexually harassing tenants;
- Discriminating in the terms of housing; such as amount of rent or security deposits; house sale prices; the use of facilities; financing; or maintenance;
- Refusing to make a mortgage loan or purchase a loan;
- Refusing to provide information regarding loans;
- Imposing different terms or conditions on a loan, such as different interest rates, points, or fees;
- Discriminating in appraising a property;
- Advertising or making any statement that indicates a limitation or preference based on race, color, religion, national origin, ancestry, sex, familial status, or disability; or
- Refusing to allow an individual with a disability to make reasonable modifications to a dwelling to accommodate the disability.

Take Action - File a Complaint

If you believe that you have been discriminated against in regard to housing, you can file a complaint of discrimination by calling one of the numbers below or e-mailing mchr@labor.mo.gov (Note: complaints must be filed within 180 days of the alleged discrimination).

Missouri Commission on Human Rights (MCHR) Offices

3315 W. Truman Blvd., Suite 212
Jefferson City, MO 65102-1129
573-751-3325

111 N. 7th Street, Suite 903
St. Louis, MO 63101-2142
314-340-7590

Toll-Free Discrimination Complaint Hotline: 877-781-4236

Relay Missouri: 711

"The mission of MCHR is to develop, recommend and implement ways to prevent and eliminate discrimination, and to provide equitable and timely resolutions of discrimination claims through enforcement of the Missouri Human Rights Act."

STATE REGULATION 8 CSR 60-3.010 REQUIRES THAT THIS NOTICE BE POSTED IN ALL PLACES OF BUSINESS OR ESTABLISHMENTS WHICH ARE SUBJECT TO CHAPTER 213, RSMo.