

Chapter 9: Fair Housing and Equal Opportunity

Introduction

This chapter summarizes the key regulations and requirements of fair housing and equal opportunity laws applicable to KCDBG projects. To be in compliance, the grantee must adhere to all the basic tenets of fair housing and equal opportunity regulations. To demonstrate support for ensuring these tenets, grantees must endorse in attitude and deed all regulations for fairness in the provision of KCDBG funded programs and projects.

Fair housing and equal opportunity laws are like an umbrella, intended to protect individuals from discrimination in housing, employment, through business opportunities such as contracting, or through other benefits created by KCDBG projects. No person shall be subjected to discrimination because of: race, color, religion, sex, disability, familial status or national origin, all of which are collectively referred to as the “protected classes,” which protects all people. New HUD regulations revising the CDBG regulations that took effect in March 2012 also provide for fair housing to persons regardless of sexual orientation or gender identity.

Grantees are required to designate a fair housing and equal opportunity coordinator to be the prime liaison with DLG. This coordinator will review all plans and activities for compliance to suggest strategies and actions that can be undertaken to comply with the spirit and intent of the law. DLG requires communities with an open CDBG project to annually report on efforts undertaken to affirmatively further fair housing and equal opportunity.

This chapter is broken down into three broad areas: Fair Housing and Nondiscrimination; Accessibility; and Equal Opportunity. The fourth section of this chapter is dedicated toward appropriate record keeping and monitoring. Exhibit 9.1 at the end of this chapter provides the grantee with references to the major regulations and requirements covering fair housing and equal opportunity.

Section 9-A. Fair Housing and Nondiscrimination

When the assurances were signed as a part of the grantee’s application for KCDBG funds, a commitment was made for the grantee to perform the following activities to further fair housing and ensure nondiscrimination:

- ✓ Maximize choice within the community's total housing supply;
- ✓ Lessen racial, ethnic and economic concentrations of housing;
- ✓ Facilitate desegregation and racially inclusive patterns of occupancy and use of public facilities; and
- ✓ Administer the KCDBG project in a manner to affirmatively further fair housing. The regulations identify fair housing responsibilities for both states and local grant recipients.

Grantees should be aware that fair housing provisions apply to the locality as a whole and not just those activities that are KCDBG funded; and that implementing fair housing activities is an essential part of the KCDBG responsibilities.

Fair housing actions should increase housing opportunities and affirmatively promote fair housing throughout the entire housing market at all income levels. These activities may include independent actions by the grantee or cooperative ventures with housing related industries, such as mortgage lenders, home builders and local non-profits working in housing. The grantee is expected to take progressive actions to further fair housing with each KCDBG project. Grantees should include the fair housing logo on all published materials marketing their housing programs.

Tip: Review this chapter along with your local policies on fair housing and equal opportunity. Follow up with DLG staff on any questions.

Fair Housing Activities

Grantees are required to pass a fair housing resolution. The resolution should be published in a newspaper of general circulation or posted in prominent locations throughout the community. (See Attachment 9-1: Fair Housing Resolution for sample language.)

Attachment 9-1:
Fair Housing Resolution

Grantees must also undertake one or more activities to affirmatively further fair housing depending upon local conditions and needs to ensure that all citizens in your community are aware that affirmatively furthering fair housing is a priority. Provided below is a list of the types of activities that should be undertaken to satisfy the requirement of promoting fair housing and equal opportunity. Discretion is left at the local level to determine the appropriateness of the activity(ies) that are chosen.

- ✓ Counseling services,
- ✓ Market the fair housing resolution,
- ✓ Creation of human rights commission,
- ✓ Education programs,
- ✓ Use of HUD affirmative marketing plans,
- ✓ Assistance to fair housing groups,
- ✓ Assistance to minorities in locating to non-minority areas,
- ✓ Voluntary affirmative lending plans,
- ✓ Voluntary affirmative realtor plans,
- ✓ Voluntary affirmative homebuilder plans,
- ✓ Local compliance and monitoring process, and
- ✓ Advertising the benefits of an open community.

Nondiscrimination

The grantee must assure that all KCDBG-funded activities undertaken as part of the project are conducted in a manner which will not cause discrimination on the basis of race, color, religion, sex, disability, familial status or national origin. Also, effective March 2012, the CDBG regulations (24 CFR Part 570) were revised such that the definition of a household includes unrelated individuals regardless of perceived sexual orientation, gender identify or marital status. Segregated facilities, services or benefits, or different treatment are prohibited.

Grantees must demonstrate compliance with Title VI of the Civil Rights Act of 1964 and KRS 344.015. All organizations that receive pass-through federal funding from DLG must comply with DLG's or its own Title VI Implementation Plan. To meet the requirements of compliance, grantees have two options.

- ✓ Option 1: The grantee can adopt the plan created by DLG. To do so, grantees must complete Attachment 9-2 Title VI Self-Survey and Statement of Assurance. In addition, the following items MUST be retained by the grantee with your completed Civil Rights Title VI Self-Survey: (1) Nondiscrimination Policy; and (2) Compliance Assurance, including a copy of all contracts used to provide direct services to clients and a copy of all contracts used to assure that subcontractors or vendors are clearly aware of your agency's commitment to Title VI.
- ✓ Option 2: Though most organizations have chosen to adopt the DLG plan, a grantee may create its own Title VI Implementation Plan and submit it to DLG for approval. Regardless of which option the grantee chooses, it must maintain a copy of Title VI documents for review by the general public and DLG, HUD or its representatives. The standards for preparing a Title VI Implementation Plan are provided in 45 KAR 1:080.

DLG's Title VI Plan can be found at:
<http://www.dlg.ky.gov/Legal+Services/Title+VI+Plan.htm>

Attachment 9-2:
Title VI Self-Survey and
Statement of Assurance

In addition to the specific Title VI requirements, the grantee should take care to ensure the following equal opportunities are made available:

- ✓ Access to any advantage arising out of the project is not denied solely on the basis of race, color, religion, sex, disability, familial status or national origin alternatively, offered for the enjoyment of a segment of the population in such a way as to intentionally exclude any member of these protected groups.
- ✓ Selection of sites and locations for facilities and improvements do not have an exclusionary or discriminatory effect.
- ✓ Evaluation criteria and administrative practices do not have a discriminatory effect.
- ✓ Affirmative action to overcome the effects of past discrimination.
- ✓ An Equal Employment Opportunity Poster must be displayed in a prominent place at the office of the grantee. The poster may be obtained by calling the Kentucky Commission on Human Rights.
- ✓ A Fair Housing Poster must be displayed in a prominent place at the office of the grantee (see website provided at right).
- ✓ Grantees may use Attachment 9-3: Equal Opportunity Checklist to ensure their agency is following all required equal opportunity elements. It is also recommended that grantees have equal opportunity procedures for staff to refer to. (See also Chapter 4 and 5: Procurement and Contracting for detailed guidance on Section 3 concerning employment and business opportunities for low income residents of the project area.) Suggested elements of equal opportunity procedures include but are not limited to the following:

Kentucky Commission on
Human Rights
1-800-292-5566
TDD 502-595-4084

<http://www.hud.gov/offices/fheo/pro motingfh/928-1.pdf>

Attachment 9-3:
Equal Opportunity Checklist

- Develop a nondiscrimination checklist to review policies, plans and actions, and documented reviews.
- Develop a network of information points that serve minority, elderly, women, disabled persons and ethnic groups and make sure that information about project services, facilities and improvements is given to these groups for dissemination in addition to normal newspaper/public notice channels.
- Incorporate discussion of the issue of nondiscrimination into decision processes concerning project activities and recipients and document consideration of the issue.
- Develop and maintain a data base for the project area which captures information about population characteristics.
- Develop a grievance procedure to handle the complaints the grantee receives. The procedure should be a formal written procedure and should be made available to the citizens. Each complaint should be addressed in a formal response to the complainant. Each complaint and the resolution to the complaint must be well documented in the project files.

Although assurances have been signed relative to nondiscrimination in project implementation, it is still necessary to go beyond the assurance and prove compliance. Both Title VI and Section 109 prohibit discrimination, denial of program benefits, and exclusion from participation in the administration of the project.

Housing Activities and Fair Housing

Grantees undertaking housing projects and activities must ensure fair housing rules are followed in the provision of housing services and assistance. Opportunities for purchase or rental, terms and conditions, advertising and marketing information, and availability of real estate services should not discriminate.

Some of the actions to ensure fair housing in housing activities are listed below.

- ✓ Verifying that a copy of the state's Analysis of Impediments to Fair Housing Choice (AI) is reviewed periodically to ensure actions are taken by the local grantee. If the grantee has adopted its own AI, this document should be used for review to ensure actions have been taken. <http://dlg.ky.gov/grants>
- ✓ Marketing information concerning housing services and activities should be disseminated through agencies and organizations that routinely provide services to protected groups;
- ✓ Criteria for selecting recipients of housing services or assistance should be evaluated for any discriminatory effect;
- ✓ Policies guiding the provisions of relocation housing and services for persons displaced by housing activities should be evaluated for discriminatory effect; and
- ✓ Legal documents used by grantees and lending institutions should be reviewed and revised if necessary to eliminate any discriminatory intent or practice.

Tip: Review all documents to ensure fair housing language and logos are used. Also, be alert for situations where potential fair housing or nondiscrimination may occur.

Section 9-B. Accessibility

This section of the chapter reviews the requirements grantees must follow to be in compliance with accessibility requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 (Section 504). Collectively, the accessibility laws and implementing regulations prohibit discrimination based on disability and establish requirements for physical accessibility in connection with federally-funded housing and non-housing activities.

Section 504 provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation in (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving Federal funding assistance. Specifically, Section 504 imposes requirements related to:

Attachment 9-4:
Section 504 Checklist

- ✓ Program accessibility
- ✓ Communications
- ✓ Accessible design and construction for certain housing and non-housing activities
- ✓ Grantee self-evaluation of programs, services, and activities to ensure programmatic and physical accessibility to persons with disabilities
- ✓ Nondiscrimination in employment

For the purposes of compliance with Section 504, “accessible” means ensuring that programs and activities, when viewed in their entirety, are accessible to and usable by individuals with disabilities.

The Fair Housing Act also prohibits discrimination in the housing market based on disability, and imposes design and construction requirements to enhance accessibility in the built environment.

Program Accessibility

Existing housing and non-housing programs administered by the grantee and its funded entities (e.g., subrecipients, developers) must be accessible to persons with disabilities. Program accessibility means that a program, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. This means that persons with disabilities must: (1) have an equal opportunity to participate in and benefit from the program, and (2) be offered the same range of choices and amenities as those offered to persons that do not have disabilities. Grantees ensure that their programs and services are readily accessible to and usable by persons with disabilities to the maximum extent feasible. In other words, the grantee must take steps to provide the necessary access to persons with disabilities, unless the actions would constitute an undue financial and administrative burden, or require a fundamental alteration in the nature of the program.

Examples of steps to ensure program accessibility include:

- ✓ Conduct meetings and program-related marketing and other activities in accessible locations.
- ✓ House program in-take offices in accessible locations.
- ✓ Ensure program-related communications are accessible to persons with disabilities (see Communications section below for more detail).

- ✓ In housing activities, distribute accessible units throughout projects and sites, and make them available in a sufficient range of sizes and amenities so as not to limit choice. Make accessible units available to persons with disabilities first.

- ✓ Make reasonable accommodations to persons with disabilities. A reasonable accommodation is a change, adaptation or modification to a policy, program, service, or workplace which allows a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. What is reasonable can only be determined on a case-by-case basis; however the following examples are often considered reasonable accommodations:
 - A federally assisted housing provider has a policy of not providing assigned parking spaces. A tenant with a mobility impairment, who has difficulty walking, is provided a reasonable accommodation by being given an assigned accessible parking space in front of the entrance to his unit.
 - A federally assisted housing provider has a policy of requiring tenants to come to the rental office to pay their rent. A tenant with a mental disability, who is afraid to leave her unit, is provided a reasonable accommodation by being allowed to mail her rent payment.
 - A federally assisted housing provider has a no pets policy. A tenant, who uses a wheelchair and has difficulty picking up items off the ground, is allowed to have an assistive animal that fetches things for her as a reasonable accommodation to her disability.
 - An older tenant has a stroke and begins to use a wheelchair. Her apartment has steps at the entrance and she needs a ramp to enter the unit. Her federally assisted housing provider pays for the construction of a ramp as a reasonable accommodation to the tenant's disability.

Communication

Communication is an important component of program accessibility. Persons with impairments to hearing, vision, speech, or mobility may have special communication needs. To the maximum extent feasible, grantees must provide program information in ways to ensure that persons with these types of disabilities are able to access and enjoy the benefits of any program or activity receiving KCDBG funds.

Grantees must furnish auxiliary aids and services, as necessary, to ensure effective communication with persons with disabilities. These may include:

- ✓ For persons with hearing impairments:
 - Qualified sign language interpreters;
 - Note takers;
 - Telecommunication devices for deaf persons (TDDs);
 - Telephone handset amplifiers;
 - Assertive listening devices (devices that increase the sound in large group settings);

- Flashing lights (where aural communication is used, such as warning bells);
 - Video text displays (devices that display text that is simultaneously being spoken can be used where a public address system provides information);
 - Transcription services; and
 - Closed and open captioning.
- ✓ For persons with vision impairments:
- Websites that comply with Section 508;
 - Qualified readers;
 - Written materials translated into alternative formats (i.e., Braille, audio tape, large print);
 - Aural communication (Bells or other sounds used where visual cues are necessary); and
 - Audio description services (through a headset, a narrator describes what the visually impaired person cannot see).

The grantee must ensure effective communication with persons with all types of disabilities in all activities, to the greatest extent feasible. Where the grantee communicates with applicants and beneficiaries by phone, a TDD is required or an equally equivalent system must be available.

Grantees are not required to take any actions that would result in a fundamental alteration in the nature of a program or activity or undue financial and administrative burden. Grantees finding themselves in this situation should contact DLG for additional guidance.

Accessibility in Housing and Non-Housing Activities

Certain housing and non-housing facilities that are constructed or rehabilitated with KCDBG funds must be designed and constructed to be accessible.

Housing Activities

KCDBG-funded housing is subject to the accessibility requirements of both Section 504 and the Fair Housing Act. For housing purposes, an accessible dwelling unit is on an accessible route and has accessible features inside.

Under Section 504:

- ✓ For newly constructed multi-family rental housing containing five or more units and substantial rehabilitation of multi-family rental housing with 15 or more units:
- A minimum of five percent of total dwelling units (but not less than one unit) must be made accessible for individuals with mobility impairments;
 - An additional two percent of dwelling units (but not less than one) must be made accessible for persons with hearing or vision impairments.
- ✓ Units that are made accessible must be located on an accessible route (either on the ground floor, or on a floor that is served by an elevator).

HUD CPD Notice 00-09
Accessibility Notice: Section 504 of
the Rehabilitation Act of 1973 and
the Fair Housing Act

- ✓ When alterations to a unit are not substantial, any alterations that are made to the multifamily dwelling unit must be made to be accessible to and usable by individuals with disabilities.
- ✓ A rehabilitation project is considered substantial when the rehabilitation costs are 75 percent or more of the replacement cost of the complete facility.
- ✓ Accessible features must meet the requirements of the Uniform Federal Accessibility Standard (UFAS).

Under the Fair Housing Act:

- ✓ All newly constructed units in buildings with four or more units that are on the ground level or can be reached by an elevator must be made accessible.
- ✓ The accessibility standard is outlined in the Fair Housing Act. This standard is often referred to as “adaptable,” and is generally a less stringent standard of accessibility than UFAS.

Uniform Federal Accessibility Standards <http://www.access-board.gov/ufas/ufas-html/ufas.htm>

Non-Housing Activities

All of Section 504's nondiscrimination, program accessibility, and reasonable accommodation requirements that apply to housing facilities and programs apply equally to the operation of non-housing facilities or programs. “Facility” is defined under Section 504 as any portion of a building, equipment, roads, walkways, parking lot or other real property. “Accessible” for non-housing purposes means that a facility or portion of a facility can be approached, entered, and used by individuals with physical handicaps.

HUD CPD 05-10, issued Nov 5, 2005, “Accessibility for Persons with Disabilities to Non-Housing Programs funded by CDBG”, http://portal.hud.gov/hudportal/documents/hudoc?id=DOC_15258.pdf

Non-housing programs as well as existing facilities in which they are situated must be readily accessible to and usable by persons with disabilities, in accordance with the UFAS standard. In order to make its facilities accessible, a grantee may need to:

- ✓ Relocate programs to accessible facilities or accessible portions of facilities;
- ✓ Acquire or build new facilities that are accessible; or
- ✓ Selectively alter facilities to make them accessible to persons with mobility or sensory impairments.

State and local governments are also subject to Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against persons with disabilities. Title II requires that facilities that are newly constructed or altered by, on behalf of, or for use of a public entity, be designed and constructed in a manner that makes the facility readily accessible to and useable by persons with disabilities. Title II also requires accessibility of newly constructed or altered streets, roads, highways, and pedestrian walkways.

ADA information is available at www.ada.gov

Self-Evaluation

DLG has conducted a self-evaluation of its programs, services, and activities to determine if they are programmatically and physically accessible to persons with disabilities. In turn, it requires each of its grantees to conduct a self-evaluation as well.

If a grantee has not already performed a Section 504 self-evaluation of programs, services, and activities to determine if they are programmatically and physically accessible to person with disabilities, they must conduct such evaluation and document all needs. If a grantee has already performed a self-evaluation, a new one is not required, unless facilities have been altered.

24 CFR 8.51

Grantees can complete the DLG self-evaluation guide, provided as Attachment 9-5, to adopt and use in their own programs. Grantees should also involve persons with disabilities in these evaluations.

Attachment 9-5:
Section 504 Self Evaluation

While performing the self-evaluation, grantees should conduct a careful inspection of the following to determine if they are free from discriminatory effects and practices:

- ✓ Employment and personnel policies and practices;
- ✓ Programs and activities;
- ✓ Benefits and service delivery; and
- ✓ Contractual agreements.

Tip! Conduct a “walk-through” of the process required for participation in the service or program to assess its accessibility. Analyze the physical path traveled, as well as the administrative requirements, service delivery, eligibility criteria, and application procedures.

In the course of the self-evaluation, if the grantee identifies any policies and practices that are found to be discriminatory or contrary to Section 504 requirements, it must take steps to remedy the discrimination.

Transition Plan

If structural barriers have been identified during the self-evaluation process and cannot be removed with nonstructural solution, a Transition Plan must be completed and made available for public review and comment.

The plan must address the following items:

- ✓ Identification of physical obstacles in the facilities that limit program accessibility;
- ✓ Description of the method that will be used to make facilities accessible;
- ✓ Specify a schedule to achieve full program compliance; and, if the plan is longer than one year, identify steps to be taken during each year;
- ✓ Indicate the person responsible for implementing the plan; and

- ✓ Identify the person or groups with whose assistance the plan was prepared.

Additional guidance for completing a Transition Plan is provided in Attachment 9-6. The grantee is not necessarily required to make every part of an existing facility accessible if that is not structurally possible, but grantees must address how persons with disabilities will be assured access. The Transition Plan must involve persons with disabilities and/or representative organizations.

Attachment 9-6:
Section 504 Transition Plan

Special Requirements for Grantees with 15 or More Employees

There are two additional requirements for Section 504 compliance for grantees with 15 or more full or part-time employees:

- ✓ Designation of responsible employee and adoption of grievance procedures:
 - At least one person must be designated to coordinate 504 and related compliance efforts. The agency coordinator should be designated in writing and identified in any written notices.
 - A grievance procedure must also be adopted incorporating due process standards and allowing for prompt local resolution of any complaints of discrimination based on disability. Existing grievance procedures can often be adapted to satisfy this requirement. A sample Grievance Procedure is provided as Attachment 9-7.
 - Any individual or authorized representative who believes that they have been denied opportunities or treated differently due to their race, color, national origin, sex, age disability, religion and familial status may file a complaint. The complaint may be filed with DLG, the Kentucky Human Rights Commission or HUD. More information concerning complaints is provided as Attachment 9-8 to this Chapter.
- ✓ Notification to participants, beneficiaries, applicants and employees of their nondiscriminatory provisions. See 24 CFR 8.54 for specific details. In summary, the grantee must provide notice regarding the following:
 - The grantee must publish in a newspaper of general circulation the notice “Policy of Non-Discrimination on the Basis of Disability Status,” which can be found as Attachment 9-9.
 - To document this requirement, the Section 504 Compliance File should contain the printer’s affidavit for the public notice “Policy of Non-Discrimination on the Basis of Disability Status” and other evidence of compliance with the notification policy. To ensure this notice reaches the visually and mobility impaired, it is also recommend to have the notice placed on local radio and/or television stations.
 - Grantees must include the same language of their policy of nondiscrimination (mentioned in the first bullet) in all material used for recruitment or general information.

Attachment 9-7: Grievance
Procedures for Complaints

Attachment 9-8: Sample Fair
Housing Complaint Information

24 CFR 8.54

Attachment 9-9: Policy of Non-
Discrimination on the Basis of
Disability Status

- Grantees must ensure that all members of the population with visual or hearing impairments are provided with the information necessary to understand and participate in the programs offered (e.g., TDD or TTY services, large print on outreach materials and application documents, etc).

Methods for ensuring participation may include qualified sign language and oral interpreters, readers or the use of taped and Braille materials.

Tip: Review program and projects with an eye toward accessibility compliance. Modify program procedures and housing project work plans as necessary.

Section 9-C. Employment and Contracting

Employment

Nondiscrimination is a requirement of grantees with regard to employment and employment practices. Employment opportunities may not be denied on the basis of race, color, national origin, sex, age, religion, familial status, or disability. Affirmative action and equal employment opportunity policies are fundamental aspects.

Steps that can be taken by grantees to prevent discrimination in employment include the following:

- ✓ Review of jurisdictional employment policies and procedures for discriminatory intent or practice and document review.
- ✓ Advertise employment opportunities and/or to recruit employees for project-related positions.
- ✓ Develop and maintain employment data that indicates staff composition by race, sex, handicap status and national origin.

Specifically, Section 504 has a number of general prohibitions against employment discrimination. Grantees must ensure that the following items are adhered to:

- ✓ No qualified individual with a disability shall, solely on the basis of their disability be subject to discrimination in employment under any program or activity that receives Federal assistance.
- ✓ Any grantee cannot legally limit, segregate or classify applicants or employees in any way that negatively affects their status or opportunities because of disability.
- ✓ In pre-employment and employment activities, discrimination based on a disability must not occur and reasonable accommodations must be made to the physical or mental limitations of otherwise qualified individuals unless it creates undue hardship for the grantee. HUD regulations specify that an employer is prohibited from discrimination in the following instances:
 - Recruiting, advertising and processing of applications;
 - Hiring, upgrading, promoting, tenure, demotion, transfer, layoffs, termination right or return from layoffs, illness and rehiring;
 - Rates of pay and any other forms of compensation;
 - Job assignments, classifications and descriptions, organizational structures, lines, progression and seniority lists;

- Leaves of absence, sick leave or any other leave;
 - Fringe benefits available by virtue of employment;
 - Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities and selection for leaves of absence for training;
 - Employer sponsored activities, including social or recreation programs; and
 - Any other term, condition or privilege of employment.
- ✓ Grantees may not participate in a contractual or other relationship that subjects qualified disabled applicants or employees to discrimination.

Reasonable accommodation in employment, as mentioned in the above list, is determined on a case-by-case basis. It means reasonable modifications on the job or in the workplace to enable a disabled person to perform the job for which she/he is qualified.

It is important for grantees to remember that the essence of Section 504 provides for equal opportunity and not the same level of achievements. Section 504 does not require the hiring or promotion of someone simply because she/he has a disability.

Contracting

Contracting is another element of the project that must be nondiscriminatory. The grantee must ensure nondiscrimination in the solicitation, advertising and awarding of contracts. Bid specifications and/or evaluation criteria used to review bids must not be discriminatory. See Chapter 4: Procurement for more detailed information and guidance.

Chapter 4: Procurement

Section 9-D. Record Keeping and Monitoring

Compliance with Federal and state laws is the responsibility of each recipient. DLG is required to monitor grantees for compliance with fair housing and equal opportunity laws and requirements. This monitoring is facilitated when records documenting compliance are maintained appropriately by recipients. DLG requires that the records demonstrating compliance with these requirements be kept on a current basis. Records must be maintained for five years following final close-out of the grant. Chapter 1: Project Administration also provides guidance on record keeping. All grantees in joint projects must undertake Fair Housing and Equal Opportunity activities as well as maintain full documentation and files.

Chapter 1: Project Administration

Fair Housing Records

The following records must be maintained by the recipient in a separate equal opportunity and fair housing file:

- ✓ Documentation of the action(s) the recipient has taken to affirmatively further fair housing, including records on funds provided, if any, for such actions.
- ✓ Demographic data (actual survey or latest census data) depending on the project undertaken may include:

- The population of the jurisdiction of the unit of general local government receiving KCDBG funds;
- The minority population of the locality (number and percentage);
- The target area population;
- The minority population of the target area (number and percentage);
- The number of disabled, elderly households, and female-headed households in the target area; and
- A map of the locality showing the locations of assisted housing units, concentrations of minority population, concentrations of low and moderate income, and the target area.

Direct Benefit Records

As part of the KCDBG application, the grantee is required to submit statistical information on the persons benefiting from the project. It is important that this information be maintained and updated throughout the implementation of the project. Even if the project activities meet the “presumptive benefit” test for proving LMI benefits and surveys have not been conducted or statistical data on beneficiaries has not been collected, benefit data for fair housing and equal opportunity purposes must be maintained.

Data must be collected and retained on beneficiaries according to the statistical categories listed on the Project Beneficiary Profile Form that is part of the Project Completion Report (Attachment 13-2 to Chapter 13: Close Out). This information is necessary both in proving compliance with fair housing and equal opportunity laws and in meeting closeout requirements when the project is completed. The Project Benefit Profile will assist the grantee in maintaining specific data on project beneficiaries. The grantee may choose to conduct local surveys or use census data for documentation. These forms are to be maintained throughout the length of the project and updated as significant progress is made. In addition, documentation for each person benefiting must be included in the project files.

Attachment 13-2:
Project Completion Report

For direct benefit activities (e.g., housing and economic development), grantees must also provide data on the extent to which persons have applied for benefits and participated in or benefited from any program or activity funded in whole or in part with KCDBG funds. Records must be kept by race, ethnicity and gender of heads of households.

Employment Records

- ✓ Data on employment of the local government that is carrying out an activity funded in whole or in part with KCDBG funds. The data to be maintained in the files includes:
 - A description of the local government work force in percentage by race, gender, job title, salary, and hire date.
 - The percentage of minorities in the jurisdiction of the unit of general local government that is receiving KCDBG funds and the percentage of minorities working for that unit of general local government.
 - The number of project area residents employed with KCDBG funds. Data should show the percentage by race and gender of the personnel in any department,

Attachment 9-12:
Local Government Employment
Work Force Analysis

office, or agency of the unit of local government using KCDBG funds to employ staff. (A sample Local Government Employment Work Force Analysis form is provided as Attachment 9-12 to this Chapter). For example, if KCDBG funds are being used to pay a portion of a bookkeeper's salary in the accounting department of the city, then employment data should be available for the department. Note this data is not required for any public or private entity performing services under contract to the unit of general local government; e.g., an Area Development District (ADD) or engineering firm which is administering a KCDBG project under a contract with a local government.

- Government hiring practices and policies.
- Affirmative Action Plan (if applicable).
- ✓ Documentation of the affirmative actions the grantee 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 grounds of race, color, national origin or sex in administering a program or activity funded in whole or in part with KCDBG funds.

Section 504 Records

- ✓ A copy of the self-evaluation;
- ✓ A copy of the transition plan;
- ✓ A list of interested persons who were consulted;
- ✓ A description of areas and buildings examined and any problems identified;
- ✓ A description of modifications made and remedial steps taken to comply with the regulations; and
- ✓ Evidence that new or substantial rehab multi-family projects were constructed/rehabilitated to meet 504 standards.

Monitoring

The designated fair housing and equal opportunity Coordinator and/or officers should review compliance requirements on an annual basis.

Grantees will be monitored by DLG on a periodic basis. Proper notification of a monitoring visit will be provided, however; it is important for grantees to keep all records and files in “monitoring readiness” condition at all times. Some of the areas DLG staff will review to determine if grantees meet compliance with all fair housing and equal opportunity requirements and laws are listed below:

- ✓ A check of the availability and adequacy of employment records;
- ✓ Identification of programs and activities assisted through KCDBG funding and assessment of program impact on protected groups;
- ✓ An examination of procurement procedures and awards to assess the utilization of minority and/or female owned enterprises and businesses located in the project area or owned in substantial part by project area residents;
- ✓ A review of voluntary efforts to promote fair housing; and

- ✓ An examination of the extent to which various protected groups have been impacted by relocation activities.

HUD FHEO Compliance and Monitoring

HUD's Office of Fair Housing and Equal Opportunity (FHEO) is responsible for seeking cooperation from and providing assistance to recipients regarding compliance. FHEO may perform periodic reviews of grantees or require reports or other information to measure compliance including records of program participation by individuals with handicaps.

It is important for grantees to keep organized records and document their Section 504 activities.

A complaint can be made by any individual or authorized representative of that individual who believes they have been denied opportunities or treated differently, due to their race, ethnicity, gender, disability, or age.

This complaint would be filed with FHEO under the Housing Discrimination Form 903.1 (see website at right). The complainant's identity will be held in confidence unless written authorization is given. The time period for filing complaints is within 180 days of the alleged Act. Grantees should have copies of this form available to the public.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint

A person who believes his/her rights have been violated may file in Federal court. The remedy through court action may include the award of damages, back pay, seniority and as with any equal opportunity action, attorney fees, or injunction against the noncomplying project.

It is HUD's policy to encourage informal resolutions to matters, solicit voluntary compliance and corrective action. Noncompliance may result ultimately in the termination of or refusal to grant Federal assistance.

Exhibit 9.1

Federal and State Laws and Regulations (included amendments)	Fair Housing & Nondiscrimination	Accessibility	Equal Employment & Contracting
Title VI of the Civil Rights Act of 1964: This Act provides that no person shall be excluded from participation in, denied program benefits, or subject to discrimination based on race, color and/or national origin under any program or activity receiving Federal financial assistance.	X		
Title VII of the Civil Rights Act of 1968 (The Fair Housing Act): This Act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promotes fair housing.	X	X	

Federal and State Laws and Regulations (included amendments)	Fair Housing & Nondiscrimination	Accessibility	Equal Employment & Contracting
<p>Restoration Act of 1987. This Act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives Federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, disability or age in a program or activity which does not directly benefit from such assistance.</p>	X		
<p>Section 109 of Title 1 of the Housing and Community Development Act of 1974: This section of Title 1 provides that no person shall be excluded from participation in (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title I of the Act.</p>	X		X
<p>KRS Chapter 344.015(2) and 45 KAR 1:080 Section 1(7) and Section 2: These regulations require that all state agencies receiving Federal funds submit an annual Title VI compliance report and any implementation updates to the Auditor of Public Accounts and the Commission on Human Rights Commission not later than July 1 of each year. Title VI of the Civil Rights Act of 1964 pertains to the delivery of services by recipients of Federal funds.</p>	X		
<p>The Fair Housing Amendment Act of 1988: This Act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthened punishment for acts of housing discrimination, expansion of the Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts, and created an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.</p>	X		
<p>The Housing for Older Persons Act of 1995 (HOPA): Retained the requirement that the housing must have one person who is 55 years of age or older living in at least 80 percent of its occupied units. The Act also retained the requirement that housing facilities publish and follow policies and procedures that demonstrate intent to be housing for persons 55 and older.</p>	X		

Federal and State Laws and Regulations (included amendments)	Fair Housing & Nondiscrimination	Accessibility	Equal Employment & Contracting
<p>The Age Discrimination Act of 1975: This Act provides that no person shall be excluded from participation in, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving Federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any state law currently in effect on the same topic including: KRS 18A.140; KRS 344.040; 101 KAR 1:350 paragraph 11; 101 KAR 1:375 paragraph 2(3); 101 KAR 2:095 paragraphs 6 and 7.</p>	X		
<p>Section 504 of the Rehabilitation Act of 1973: It is unlawful to discriminate based on disability in Federally assisted programs. This section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation in (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving Federal funding assistance. Section 504 also contains design and construction accessibility provisions for multi-family dwellings developed or substantially rehabilitated for first occupancy on or after March 13, 1991.</p>	X	X	X
<p>The Americans with Disabilities Act of 1990 (ADA): This Act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against “a qualified individual with a disability” in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment. Kentucky adopted this Act in 1992 with the enrollment and passage of Senate Bill 210.</p>	X	X	X
<p>Executive Order 11063: This Executive Order provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in housing and related facilities provided with Federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal government.</p>	X		

Federal and State Laws and Regulations (included amendments)	Fair Housing & Nondiscrimination	Accessibility	Equal Employment & Contracting
<p>Executive Order 11259: This Executive Order provides that the administration of all Federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities throughout the United States.</p>	X		
<p>Section 106(d)(5)(B) of the Housing and Community Development Act of 1974: This Act provides that grantees will conduct its programs and administer CDBG to affirmatively further fair housing.</p>	X		
<p>The Equal Employment Opportunity Act: This Act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in Federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings Federal, state and local governments under the Civil Rights Act of 1964.</p>			X
<p>The Immigration Reform and Control Act (IRCA) of 1986. Under IRCA, employers may hire only persons who may legally work in the U.S., i.e., citizens and nationals of the U.S. and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9).</p>			X
<p>The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978: This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal and referral. It is designed to assist employers, labor organizations, employment agencies, licensing and certification boards in complying with the requirements of Federal laws prohibiting discriminatory employment.</p>			X
<p>The Vietnam Era Veterans' Readjustment Act of 1974 (and Jobs for Veterans Act of 2002): This Act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.</p>			X

Federal and State Laws and Regulations (included amendments)	Fair Housing & Nondiscrimination	Accessibility	Equal Employment & Contracting
<p>Executive Order 11246: This Executive Order applies to all Federally assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race</p>			X
<p>24 CFR Part 85 (the Common Rule): This rule provides that the grantee shall take affirmative steps to encourage contracting with small minority and female owned business enterprises when possible as sources of supplies, equipment, construction and services.</p>			X
<p>The Kentucky Civil Rights Act (KRS Chapter 344): This is the state corollary to the Federal Civil Rights Act and prohibits discrimination in employment, housing, accommodation, etc. The Kentucky Commission on Human Rights enforces the Act.</p>	X	X	X

Attachments

- ✓ Attachment 9-1: Sample Fair Housing Resolution
 - ✓ Attachment 9-2: Title VI Self-Survey and Statement of Assurance
 - ✓ Attachment 9-3: Sample Equal Opportunity Checklist
 - ✓ Attachment 9-4: Sample Section 504 Checklist
 - ✓ Attachment 9-5: Sample Section 504 Self Evaluation
 - ✓ Attachment 9-6: Sample Section 504 Transition Plan
 - ✓ Attachment 9-7: Sample Grievance Procedures for Complaints
 - ✓ Attachment 9-8: Sample Fair Housing Complaint Information
 - ✓ Attachment 9-9: Sample Policy of Non-Discrimination on the Basis of Disability Status
 - ✓ Attachment 9-10: Local Government Employment Work Force Analysis
-

**Attachment 9-1:
Sample Fair Housing Resolution**

Fair Housing Resolution

LET IT BE KNOWN TO ALL PERSONS OF City/County 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 City/County of _____ to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City/County does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City/County will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under Federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

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

SAID PROGRAM will at a minimum include: (1) 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 that will bring attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and (3) prepare an analysis of impediments to fair housing choice and actions to mitigate such impediments.

EFFECTIVE DATE

This resolution shall take effect _____.

Attest

Chief Elected Official

**Attachment 9-2:
Title VI Self-Survey and Statement of Assurance**

Instructions for Compliance with Civil Rights Title VI

The Department for Local Government (DLG) has and will continue to take a proactive approach to fully implement procedures to eliminate discrimination on the basis of race, color or national origin.

In accordance with KRS 344.015, DLG developed a Title VI Implementation Plan. All organizations that receive pass-through federal funding from DLG must comply with this Implementation Plan. To ensure that DLG meets its compliance responsibility, procedures have been established to provide monitoring of Title VI compliance activities and complaint processing in all programs.

To meet the requirements of compliance, your organization has two options. Your organization can adopt the plan created by DLG. To ensure full compliance with DLG's Implementation Plan, the following items **MUST** be retained by the grantee with your completed Civil Rights Title VI Self-Survey:

- Nondiscrimination Policy
- Compliance Assurance, including:
 - A copy of all contracts used to provide direct services to client, and.
 - A copy of all contracts used to assure that subcontractor or vendors are clearly aware of your agency's commitment to Title VI.

NOTE: Please ensure that a local Title VI coordinator is identified in question 5 of the Self-Survey.

In addition to the Self-Survey, your agency must complete the enclosed Statement of Assurance. Full compliance cannot be achieved unless all of these items are included.

Though most organizations have chosen to adopt the DLG plan, your organization may create its own Title VI implementation plan and submit it to DLG for approval. Regardless of which option your organization chooses, you must maintain a copy of Title VI documents for review by the general public and DLG, HUD or its representatives.

If you have questions about Title VI or completing the required documentation, you may contact DLG at 1.800.346.5606.

CIVIL RIGHTS TITLE VI SELF-SURVEY

1. Date of Survey: _____

2. Type of Survey: Initial Update Other: _____

3. Name of Facility/Agency: _____
 Street Address: _____
 City, State, Zip: _____
 County: _____

4. Administrative Head: _____
 Title: _____

5. Name of Local Title VI Coordinator: _____
 Street Address: _____
 City, State, Zip: _____
 Phone Number: _____

6. Advisory Group or Advisory Board:
 - a. What is the racial composition of the advisory group or advisory board?
 Total: _____ Number of white: _____ Number of non-white: _____
 - b. How are members selected?

 - c. What is the length of the term for members that serve on the advisory group or board?

7. Nondiscrimination Policies: Does your Agency have a written policy stating that services will be provided to all persons without regard to race, color or national origin?
 Yes No

 If yes, attach a copy (**FOR INITIAL SURVEY ONLY**).

8. Posters: Are posters containing Title VI information prominently displayed within the facility?
 Yes No

a. Do these posters show the name of the Local Coordinator to whom complaints should be referred?

Yes No

9. Records: Are permanent records kept of all Title VI complaints?

Yes No

10. Complaints: If applicable, describe below any complaints received in this reporting period:

Name of Complainant	Race	Charge	Findings

11. Dissemination: Is Title VI disseminated to your employees and your clients/grantees?

Yes No

If yes, describe how employees are informed:

a. Are you confident that grantees and clients are clearly aware of their rights under Title VI, including the right to file a complaint?

Yes No

b. Are new employees clearly informed about their specific responsibilities to clients under Title VI?

Yes No

c. Are staff members periodically reoriented or refreshed on information detailing their Title VI responsibilities?

Yes No

If yes, state by whom and how:

12. Compliance Assurance: Do all contracts that provide direct services to clients contain a Title VI statement of compliance?

Yes No

If yes, attach a copy of the Title VI statement included in such contract (***FOR INITIAL SURVEY ONLY***).

13. Are you confident that each of your subcontractors or vendors, if any, is clearly aware of your agency's commitment to Title VI?

Yes No

If yes, attach a copy of information used to ensure subcontractors or vendors are aware of your agency's commitment to Title VI (***FOR INITIAL SURVEY ONLY***).

14. Are all physical areas (i.e., exits, waiting rooms, dining areas, restrooms, etc.) provided and used without regard to the race, color or national origin of clients?

Yes No

If no, identify the areas that are not used jointly and explain why: _____

TITLE VI - STATEMENT OF ASSURANCE

Name of Grantee

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of Housing and Urban Development, Department of Justice (28 CFR Parts 42 and 50), Kentucky Department for Local Government (DLG), and any requirements or directives issued pursuant to that Act and the Regulations of DLG, to the effect that, 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 otherwise subject to discrimination under any program or activity for which the Grantee received Federal financial assistance from DLG; and **HEREBY GIVES ASSURANCE THAT** it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grants or donations of Federal property and interest in property, details of Federal personnel, the sale and lease of and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at nominal consideration, or at a consideration which is reduced for the purpose of assisting the Grantee, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the Grantee, or any improvements made with federal financial assistance extended to the Grantee by DLG.

BY ACCEPTING THIS ASSURANCE, the Grantee agrees to compile data, maintain records and submit reports as required to permit effective enforcement of Title VI, and permit authorized DLG personnel during normal working hours to review and copy such records, books and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, DLG shall have the right to seek administrative and/or judicial enforcement of this assurance and suspend future assistance.

This assurance is binding on the Grantee, its successors, transferees and assignees as long as it receives assistance from DLG. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended. In the case of personal property, this assurance applies for as long as the Grantee retains ownership or possession of the property. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Grantee.

Signature of Grantee's Authorized Official

Date

Title of Authorized Official

Grantee's Address:

No other funds or benefits may be disbursed under these programs unless this assurance is completed and filed as required by existing regulations.

**Attachment 9-3:
Sample Equal Opportunity Checklist**

EQUAL OPPORTUNITY CHECKLIST

COMMUNITY EEO OFFICER APPOINTED Date/By

SECTION 3

- Plan
 - Grantee Section 3 Action Plan _____
 - Contractor / Subcontractor Section 3 Plans _____
- Good Faith Efforts (May cross reference with procurement files)
 - List of local businesses/contractors _____
 - List of job applicants _____
 - Newspaper advertisements:
 - Job vacancies _____
 - Procurements _____
 - Letters to business inviting bids _____
 - Other _____
 - _____
 - _____
 - _____

PROJECT BENEFIT – TITLE VI

- Project Benefit Forms
 - By activity _____
- Documentation
 - Surveys _____
 - Income Verifications _____
 - Census data _____
 - Personal applications _____

EMPLOYMENT RECORDS

- Personnel Policies
 - Adopted _____
 - Hiring procedures _____
 - Training procedures _____
 - Promotion procedures _____
 - Statement of Equal Opportunity _____
 - “Essential function of jobs” identified _____

- | | <u>Date/By</u> |
|---|----------------|
| - <u>Employee Information Maintained By:</u> | |
| - Name | _____ |
| - Job classification (EEO-4 categories) | _____ |
| - Job status (hired, promoted) | _____ |
| - Salary range | _____ |
| - Race | _____ |
| - National origin | _____ |
| - Sex | _____ |
| - Age | _____ |
| - Disability | _____ |
| - <u>EEO Poster</u> | |
| - <u>Affirmative Action Plan</u> (optional) | |
| - Adopted | _____ |
| - Workforce analysis | _____ |
| - Goals and timetables | _____ |
| - <u>Minority Business Enterprise</u> (may cross reference with procurement /bid files) | |
| - Semi-annual contract & subcontract activity reports | _____ |
| - List of minority businesses and contractors | _____ |
| - Recruitment documentation (letters, bid ads, etc.) | _____ |
| - Contact with State Division of Minority Business | _____ |
| - Other | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**Attachment 9-4:
Sample Section 504 Checklist**

SECTION 504 CHECKLIST

- | | | | |
|------|---|---------|-------------------------------|
| I. | A. TDD (Telecommunications Device for the Deaf) Installed. Number: _____ | Yes ___ | No ___ |
| | B. TDD# communicated to the public. | Yes ___ | No ___ |
| | C. TDD# included on all correspondence. | Yes ___ | No ___ |
| II. | A. Self-Evaluation Checklist | Yes ___ | No ___ |
| | B. Handicapped groups/individuals involved. | Yes ___ | No ___ |
| | List: _____ | | |
| | _____ | | |
| | _____ | | |
| | _____ | | |
| | C. Areas Evaluated: _____ | | |
| | _____ | | |
| | _____ | | |
| | _____ | | |
| III. | Transition Plan for Structural changes/time change for compliance | | |
| | A. Includes schedule for implementation. | Yes ___ | No ___ |
| | B. Includes name of person responsible for implementation. | Yes ___ | No ___ |
| | C. Includes persons/groups who assisted. | Yes ___ | No ___ |
| | List: _____ | | |
| | _____ | | |
| | _____ | | |
| | _____ | | |
| | D. Date Adopted _____ | | |
| | E. Are facilities now accessible. | Yes ___ | No ___ |
| IV. | Public Notice (15 or more employees) | | Date
Published/Broadcasted |
| | A. Media Name | | _____ |
| | _____ | | _____ |
| | _____ | | _____ |
| | _____ | | _____ |
| | B. Non-discrimination statement included. | Yes ___ | No ___ |
| | C. 504 Coordinator identified. Name: _____ | | |
| | D. Notice communicated to visually or hearing impaired. | Yes ___ | No ___ |
| | Explain Response: _____ | | |
| | _____ | | |
| | _____ | | |
| | _____ | | |
| V. | Grievance Procedure (15 or more employees) | | |
| | A grievance procedure for disabled persons (employees or citizens) as part of the personnel policies. | Yes ___ | No ___ |

**Attachment 9-5:
Sample Section 504 Self Evaluation**

SECTION 504
SELF-EVALUATION

GENERAL REQUIREMENTS

- A self-evaluation must be prepared by the grantee in consultation with individuals with disabilities or organizations representing them.
- Recipients with 15 or more employees must keep on file for at least five years:
 - A list of interested persons consulted;
 - A description of areas examined and any problems identified; and
 - A description of modifications made and remedial steps taken.
- The self-evaluation and transition plans must be dated.

ELEMENTS

- Evaluation of current policies and practices relative to the 504 regulations.
- Modification of any policies and practices that do not meet the 504 requirements.
- Corrective action to remedy any discrimination found.

AREAS TO BE EVALUATED (All areas listed below may not apply)

- Buildings or facilities for physical accessibility.
- Program outreach and communication.
- Eligibility and admission criteria and practice.
- Distribution and occupancy policy and practice.
- Percentage of accessible units.
- Employment (including pre-employment).
- Complaint processing procedures.

**Attachment 9-6:
Sample Section 504 Transition Plan**

SECTION 504
THE TRANSITION PLAN

GENERAL REQUIREMENTS

- A Transition Plan is mandatory if structural changes to facilities are needed to achieve program accessibility.
- The Plan must be developed with the assistance of individuals with disabilities or organizations representing them.
- A copy of the plan must be made available for public inspection.

CONTENTS OF THE PLAN

- Identification of the physical obstacles that limit accessibility.
- Detailed description of methods that will be used to make facilities accessible.
- Schedule for each step of the process. All structural changes must be made within six months of project funding.
- Name of the person responsible for implementation of the plan.
- Names of persons or groups who assisted with the plan.

**Attachment 9-7:
Sample Grievance Procedures for Complaints**

**GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED
ALLEGATIONS OF DISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS
IN _____, KENTUCKY**

Any person ___(Employee or Citizen)___ who believes that he/she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973 and pursuant regulations at 24 CFR Part 8 published in the Federal Register on June 2, 1988, may personally or by a representative, file a complaint with the ___(Mayor or Judge/Executive)___, ___(Name of Local Government)___, Kentucky. A person who has not personally been subjected to discrimination may also file a complaint.

When any person, ___(Employee, Citizen or Applicant)___ who believes he/she has been adversely affected by an act or decision by ___(Name of Local Government)___, Kentucky, and that such act or decision was based on handicapped status, he/she will have the right to process a complaint or grievance in accordance with the following procedure.

Step One: An aggrieved person must submit a written statement to the ___(Executive Authority)___ setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

Step Two: The ___(Executive Authority)___ shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days or more than forty-five (45) days after receiving the written statement.

There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of ___(Name of Local Government)___.

Step Three: Within fifteen (15) days of the informal meeting, if no decision has been made by the ___(Executive Authority)___, or the decision of the ___(Executive Authority)___ does not satisfy the complainant, he/she may request a hearing with the ___(Legislative Body)___ by submitting a written request to the ___(Executive Authority)___.

Step Four: In thus discussing the grievance, the complainant may designate any person of his/her choice to appear with him/her and participate in the discussion. The ___(Legislative Body)___ shall require the ___(Executive Authority)___ to participate in the discussion of the grievance, when it is brought before the ___(Legislative Body)___.

The ___(Legislative Body)___ shall issue a written decision on the matter within fifteen (15) days, and the decision shall be the final procedure for the complainant at the local level.

There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of ___(Local Government)___, Kentucky.

**Attachment 9-8:
Sample Fair Housing Complaint Information**

Attachment 9-8 Fair Housing Complaint Information

Any individual or authorized representative who believes that they have been denied opportunities or treated differently due to their race, color, national origin, sex, age, disability, religion and/or familial status may file a complaint. The complaint may be filed with a number of agencies with authority to look into the matter:

- **Department of Local Government (DLG).** The individual may send a fair housing complaint to DLG within 180 days of the incident, simply telling DLG what happened. The grant administrator should work with the affected individual to resolve the complaint and, if that is not satisfactory to the individual, the administrator should assist in the preparation of the complaint and forward it to DLG.
- **The Kentucky Commission on Human Rights or Local Human Rights Commissions.** Anyone wishing to file a complaint alleging unlawful discrimination in violation of KRS 344 must file a complaint within 180 days of the alleged unlawful incident. In the case of discrimination by an employer or place of public accommodation or within one year of the alleged unlawful incident in the case of unlawful housing practices. Information on local human rights commissions may be found at <http://kchr.ky.gov/localcomm.htm> and contact for the Kentucky Commission on Human Rights is as follows:

Kentucky Commission on Human Rights
332 W. Broadway
7th Floor
Louisville, KY 40202

Phone: (502) 595.4024
Toll-free: (800) 292.5566
Fax: (502) 595.4801
TDD: (502) 595.4084

- **The U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO).** At no cost to the individual, FHEO will investigate the complaint and try to conciliate the matter with both parties. The complainant's identity will be held in confidence unless written authorization is given provided allowing for the complainant's identity to be revealed. The time period for filing complaints ends 180 days after the alleged act. A HUD Housing Discrimination Form 903.1, which one uses to file a complaint, is provided as Attachment 9-7 to the KCDBG Implementation Handbook and is available on HUD web site.

You may file suit. An individual, at their expense, may file suit in Federal District court or state court within two years of an alleged violation or discriminatory practice. An individual may bring suit even after filing a complaint with HUD if there is not a signed conciliation agreement and an administrative law judge has not started a hearing.

It is the policy of both DLG and HUD to encourage informal resolutions as well as voluntary compliance and corrective action. Noncompliance may result in the termination of or refusal to grant Federal assistance.

Attachment 9-9:
Sample Policy of Non-Discrimination on the Basis of Disability Status

POLICY OF NON-DISCRIMINATION
SECTION 504
PUBLIC NOTICE

This notice is published pursuant to the requirements of 24 CFR Part 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. Section 8.4 prohibits discrimination against qualified individuals because of their handicap status.

_____ advises the public, employees and job applicants that it does not discriminate on the basis of handicapped status in admission or access to, or treatment or employment in its programs and activities.

_____ has designated the following person(s) as the contact to coordinate efforts to comply with this requirement. Inquiries should be directed to:

Name: _____

Office: _____

Address: _____

Phone Number: _____

TDD Number: _____

Hours: _____

NOTE

This information must be communicated to the visually or hearing impaired. This may include the use of public service radio and television announcements, and telecommunications devices, the posting of notices, the publication of notices in newspapers and magazines, the placement of notices in recipient governmental publications, and the distribution of other written and taped communications to groups representing the handicapped.

Attachment 9-1\$:
Local Government Employment Work Force Analysis

LOCAL GOVERNMENT EMPLOYMENT WORK FORCE ANALYSIS

Part I

City/County _____

Total Population _____

Total Minority Population _____

Total Female Population _____

Job Category	Total Number	Females			Minorities		
		Number	%	Comm %	Number	%	Comm %
1. Officials and Administrators							
2. Professionals Para-Professional Technicians							
3. Clerical							
4. Skilled Craft							
5. Service/Maintenance							
6. Protective Services (Police, Fireman)							

WORK FORCE ANALYSIS

Part II

Employee/Classification/Salary	Dept.	Status	Sex	Race/Nat. Origin	Birth date	Disabled	Personnel Action		
							Hired	Promoted	Terminated

Workforce Analysis Instructions

This information should be compiled and updated annually with notations made, as necessary, of changes in classification, status and personnel actions.

PART I

Total Number:

List total number of persons in each job category.

Females:

- a) Number – total number of females in each job category.
- b) % - percent of females in job category compared to total number of employees in each category.
- c) Community % - percent of females in the community in each job category (per census workforce figures).

Minorities:

- a) Number – same as for females.
- b) % - same as for females.
- c) Community % - same as for females.

PART II

Employee/Classification/Salary:

List each employee by name, classification, and salary.

Department:

List department in which each employee works (e.g., police, public works, etc).

Status:

List whether each employee is full or part time.

Sex:

List sex of each employee.

Race/National Origin:

List race/national origin of each employee.

Birth date:

List birthrate of each employee.

Disabled:

State if employee has a disability.

Personnel Actions:

List dates when each employee was hired, promoted and terminated (if applicable).

Descriptions of Job Categories

Officials and Administrators

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs, and inspectors and kindred workers.

Professionals

Occupations which require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants and kindred workers.

Technicians

Occupations which require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), assessors, inspectors, police and fire sergeants and kindred workers.

Protective Service Workers

Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers and kindred workers.

Paraprofessionals

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemakers aides, home health aides and kindred workers.

Office and Clerical

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks and kindred workers.

Skilled Craft Workers

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters and kindred workers.

Service – Maintenance

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers and kindred workers.