



Civil Rights Technical Assistance Manual

Maine Community Development Block Grant Program



www.meocd.org

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I. INTRODUCTION

Civil Rights compliance is a broad subject area that encompasses several federal statutes, including the Fair Housing Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act. These statutes have been developed over the course of many decades, and continue to be refined annually.

The civil rights requirements that CDBG grantees must adhere to are not necessarily specific to the Community Development Block Grant program, but apply to all federal programs. This can often be confusing, since most other CDBG policies and procedures were developed exclusively for the CDBG program.

This Technical Assistance Guide provides an overview of the federal civil rights requirements applicable to grantees receiving CDBG funds. The Guide also contains a description and samples of documents, which grantees must complete to comply with federal civil rights laws.

II. COMPLIANCE AREAS

In order to understand how the civil rights statutes impact the CDBG program, it is important to understand **where** compliance actually needs to take place. The specific steps that you, as a grantee, need to take to comply with civil rights laws depend on what activities your program involves.

There are some distinct areas of compliance relevant to CDBG grantees. Each of the areas is addressed in the sections of this manual:

- | | |
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| 1. General Civil Rights Compliance Measures, | Pg. 3 |
| 2. Contract Civil Rights Compliance Measures, | Pg. 24 |
| 3. Housing Civil Rights Compliance Measures, | Pg. 42 |
| 4. Job Creation Civil Rights Compliance Measures and; | Pg. 58 |
| 5. Additional Regulations, Provisions, and Information. | Pg. 66 |

Each section contains basic explanations and sample documents where feasible. Due to the complex and comprehensive nature of civil rights legislation it is not possible to answer all questions concerning civil rights applications in this text. The purpose of this manual is to provide a framework for civil rights compliance as you execute your project.

SECTION 1:

General Civil Rights Compliance Measures

1. GENERAL CIVIL RIGHTS COMPLIANCE MEASURES:

"General Civil Rights Compliance Measures are those that help develop a fair and equitable program within which grant funds are distributed."

General civil rights compliance is a basic administrative function your town performs when implementing your CDBG project. As your town administers your CDBG Program, basic employment and administrative functions must be conducted in compliance with federal civil rights statutes. For example, a grantee hires an individual to oversee their grant program. The grantee would need to conduct hiring practices in a non-discriminatory manner.

In order to be in overall compliance with Civil Rights requirements, grantees must implement several specific policies as part of the basic administration of their CDBG program. The documents listed below show that the town is complying with these general civil rights laws, and that these policies guide the town's basic administrative functions.

A. REQUIRED DOCUMENTS:

All GRANTEES, regardless of the nature of their CDBG activities, must complete the following and keep them on file:

1. **Equal Employment Opportunity Policy Statement**
The Equal Employment Opportunity Policy Statement allows municipalities to state that their employment practices are, and will be, nondiscriminatory. A sample Equal Employment Opportunity Policy Statement is provided on Page 6.
2. **Employment Profile**
An Employment Profile describes the characteristics of those persons administering the grant who are funded in whole, or in part, with CDBG funds. It provides insight as to possible discriminatory patterns of employment. A sample Employment Profile is provided on Page 7.
3. **Section 504/ADA Self Evaluation and Transition Plan**
As part of the standard conditions of applying for and accepting various federal funds, compliance with Section 504 of the Rehabilitation Act of 1973 the Americans with Disabilities Act (ADA) is required. Under the both, municipalities are prohibited from discriminating on the basis of disability. Under Section 504 and the ADA towns must evaluate whether or not their facilities and programs are accessible to people with disabilities. If not, they must develop a Transition Plan and a schedule as to when they will implement corrective actions. A sample Section 504/ADA Self Evaluation and Transition Plan is provided on Pages 9-15.

*All documents described in the preceding paragraphs must be completed by the grantee prior to the start of the CDBG project. Each grantee should establish a "civil rights file" as part of their CDBG filing system, and should maintain the documents described above in that file. **An important element of civil rights law and policy is the accessibility of records to the public. The grantee's civil rights file should be organized and readily available in case of citizen inquiries.***

Equal Employment Opportunity Policy Statement

MAINE COMMUNITY DEVELOPMENT BLOCK GRANT RECIPIENTS

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

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

Compliance with EEO requirements may be enhanced through adoption of appropriate personnel policies. Assistance in drafting such policies may be obtained through the Maine Municipal Association or your Community Development Office.

DATE ADOPTED: _____

AUTHORIZED SIGNATURES

| | |
|-------------|-------------|
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |

Municipal Seal

EMPLOYMENT PROFILE

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT

Date: _____

(Name of Town/City)

JOB CATEGORY

| Employment Characteristics | Admin/ Officials | Professionals | Technicians | Para Professionals | Office/ Clerical | Other |
|----------------------------|------------------|---------------|-------------|--------------------|------------------|-------|
| Total Number | | | | | | |
| MALE: | | | | | | |
| W | | | | | | |
| A | | | | | | |
| AW | | | | | | |
| NH | | | | | | |
| AIW | | | | | | |
| AIB | | | | | | |
| AI | | | | | | |
| B | | | | | | |
| BW | | | | | | |
| FEMALE: | | | | | | |
| W | | | | | | |
| A | | | | | | |
| AW | | | | | | |
| NH | | | | | | |
| AIW | | | | | | |
| AIB | | | | | | |
| AI | | | | | | |
| B | | | | | | |
| BW | | | | | | |

Demographic Codes: Use for Recording Racial Categories

W = White

A = Asian

AW = Asian & White

FH = Female Head of Household

NH = Native Hawaiian/Other Pacific Islander

AIW = American Indian/Alaskan Native & White

AIB = American Indian/Alaskan Native & Black/African American

B = Black/African American

BW = Black/African American & White

AI = American Indian/Alaskan Native

Instructions for completing the form:

An Employment Profile describes the characteristics of those persons administering the grant who are funded in whole, or in part, with CDBG funds. It provides insight as to possible discriminatory patterns of employment.

Neatly print or type today's date and the name of your community in the spaces provided at the top of the page.

Carefully consider all persons who are working on your community's CDBG grant that are being paid with grant funds.

Example: The Town Clerk is spending time performing duties pertaining to the CDBG grant that are beyond her regular duties. The Town is paying with CDBG Administrative Funds for the clerk's time. This individual is funded, in part, by CDBG dollars and must be recorded on the form.

Be sure to include those individuals whose salary or fees are paid totally with grant dollars as well as those persons whose salary or fee is only partially funded with grant monies. Each of these individuals must keep a timesheet tracking time-spent working on grant activities.

Each individual will be recorded on the Profile form by gender, ethnicity, and professional status. Use the **Demographic Codes** provided at the bottom of the Employee Profile form to ascertain the proper ethnic category.

Example: To record an Asian, female Town Manager who is working on the grant, one would look at the lower half of the table, labeled Female, and proceed to the top of the table for the column marked "**Admin/Officials**". Then move down the column until you reach the row marked "**A**". Place an X in this box. Repeat this process for each individual paid with CDBG funds.

ADA/SECTION 504 CERTIFICATION

MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Town/City of _____ hereby certifies that it has complied with the following requirements pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and

1. Conducted a Section 504/ADA Transition Plan and Self Evaluation of all municipal facilities;
2. 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; and
3. Has designated the following person as the contact to coordinate efforts to comply with these requirements.

Name: _____ Title: _____

(Signature of Authorized Municipal Official)

(Date)

Municipal Seal

SECTION 504 SELF-EVALUATION AND TRANSITION PLAN
MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

TOWN/CITY OF _____

The following individual is responsible for inquiries regarding this Section 504 Self-Evaluation and Transition Plan:

 (name)

 (title)

 (address)

 (telephone) (fax) (e-mail)

The Section 504 Self Evaluation and Transition Plan was adopted by the following authorized individuals on behalf of the municipality:

AUTHORIZED SIGNATURES

| | |
|-------------|-------------|
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |
| | |
| Name | Date |

Municipal Seal

1. EMPLOYMENT

1. Are job announcements put into newspapers that have general circulation?

Yes No

If No, describe how individuals are made aware of employment opportunities:

2. Do job announcements state that the municipality is an Equal Opportunity Employer?

Yes No

If No, explain why the "Equal Opportunity Employer" statement is not contained within job announcements:

3. Has the municipality adopted an Equal Employment Opportunity Policy Statement?

Yes No

4. Do job applications inquire as to whether an applicant is a disabled person or as to the nature or severity of a disability?

Yes No

If Yes, explain: _____

5. Describe the accommodations that can be made for the known physical and mental limitations of otherwise qualified disabled persons who are currently employed or applying for employment:

2. PROGRAM ACCESSIBILITY

1. Are any of the following services or benefits provided to residents directly by the municipality?

Yes No

(Please mark an "X" for all services provided by the municipality)

| | |
|--|---|
| <input type="checkbox"/> Transportation Services | <input type="checkbox"/> Counseling Services |
| <input type="checkbox"/> Health Services | <input type="checkbox"/> Employment Services |
| <input type="checkbox"/> Public Housing | <input type="checkbox"/> Food Services |
| <input type="checkbox"/> General | <input type="checkbox"/> Social, Recreational, or Athletic Services |

(a) For those services that are provided, describe accommodations that can be taken to make them accessible and usable for persons with disabilities (e.g. provision of auxiliary aids, relocating programs to accessible facilities, use of alternative materials, home visits, etc.):

2. Are there any limitations on the number of qualified disabled persons who may participate in or be admitted to the program?

Yes No

If Yes, list the steps to eliminate the limitations:

3. Do applications for these services, in any way discriminate against persons with disabilities?

Yes No

4. Describe the nature of the qualifications that are needed in order to be eligible for each respective program:

Program

Qualifications

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

3. FACILITIES

Note: The definition of "facility" under Section 504 includes all or any portion of buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property, owned, operated or leased by the municipality)

1. List below all facilities and the programs or operations for which each facility houses.

Facility

Programs or Operations Housed

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

Using the Uniform Federal Accessibility Standards (UFAS), each facility must be reviewed for compliance:

COMPLIANCE COMPONENT

FACILITIES

| | #1 | #2 | #3 | #4 | #5 | #6 | #7 |
|--|----|----|----|----|----|----|----|
| Accessible Route | | | | | | | |
| Outside Paths and Walks | | | | | | | |
| Parking | | | | | | | |
| Curb Ramps | | | | | | | |
| Ramps | | | | | | | |
| Entrances/interior Doors | | | | | | | |
| Elevators | | | | | | | |
| Lifts | | | | | | | |
| Toilet Rooms | | | | | | | |
| Drinking Fountains | | | | | | | |
| Warning Signals | | | | | | | |
| Assembly Areas | | | | | | | |
| Public Telephones | | | | | | | |
| Other Building Elements and Specialized Facilities | | | | | | | |

- Place a "1" in the respective box if item is in compliance with UFAS
- Place a "2" in the respective box if item is not in compliance with UFAS
- Place a "3" in the respective box if item is not available and is not required

* #1 through #7 above must correspond to the specific facility with that same number identified on the preceding page.

2. For those facilities where a "2" was indicated for the specific component, list below the inaccessible feature that limits accessibility to the programs provided in that facility:

A. REQUIRED DOCUMENTS: *Continued from page 5*

PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE

All PF & PI grantees, regardless of the nature of their activities, must complete a Beneficiary Profile.

A Beneficiary Profile is a document that describes the demographic characteristics of the service area of your CDBG project. In the profile, you should record the population race and household characteristics of the town, region or target area benefiting from your project. A sample Beneficiary Profile is provided on page 17 with directions for completing the form on page 18.

The Beneficiary Profile must be completed by the grantee prior to the start of the CDBG project and placed in the community's "civil rights file" An important element of civil rights law and policy is the accessibility of records to the public. The grantee's civil rights file should be organized and readily available in case of citizen inquiries.

PUBLIC SERVICES

The **Public Services Benefit Data System is required** of municipalities that have public service activities funded with CDBG monies.

A Public Services Benefit Data System enables the grantee to track all the beneficiaries of the public service program. It also identifies the characteristics of all the benefactors. In addition, the system helps the community verify that the services are being provided to Low-Moderate Income persons. A sample Public Services Benefit Data System is on page 19.

BENEFICIARY PROFILE – (PI and PF Programs)

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

1. Community: _____
2. Name of Target Area: _____ (If community-wide, state "same as above")
3. Description of Target Area: _____

4. POPULATION

- a. Total Population _____
- b. Total Low/Moderate Income Persons _____
- c. Total Non-Low/Moderate Income Persons _____
- d. Total % Low/Moderate Income Persons _____

5. RACE (INDICATE TOTALS)

- a. White _____
- b. Black/African American _____
- c. Asian _____
- d. Native Hawaiian/Other Pacific Islander _____
- e. American Indian/Alaskan Native _____
- f. Asian & White _____
- g. Am Indian/Alaskan Native & White _____
- h. Black/African American & White _____
- i. American Indian/Alaskan Native & Black/African American _____

6. HOUSEHOLD INFORMATION

- a. Total Number of Elderly _____
- b. Total Number of Severely Disabled _____
- c. Total Female Heads of Households _____

Date Submitted: _____

Authorized Signature: _____ **Title:** _____

Instructions for completing the Beneficiary Profile

- Line 1** State name of community.
- Line 2** Give name of target area; state “same as above if community-wide.
- Line 3** Give a brief description of target area.
- Line 4a** In regard to a target area; use the survey results to determine the total population in the service area. In regard to the entire Town or City being the target area, use the latest census information.
- Line 3b** In regard to a target area; use the survey results to determine the total number of Low/Moderate Income persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 3c** In regard to a target area; use the survey results to determine the total number of Non-Low/Moderate Income persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 3d** In regard to a target area; use the survey results to determine the total percent of Low/Moderate Income persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5a** In regard to a target area; use the survey results to determine the total number of White, not Hispanic persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5b** In regard to a target area; use the survey results to determine the total number of Black/African American persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5c** In regard to a target area; use the survey results to determine the total number of Asian persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5d** In regard to a target area; use the survey results to determine the total number of Native Hawaiian/Other Pacific Islander persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5e** In regard to a target area; use the survey results to determine the total number of American Indian/Alaskan Native in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5f** In regard to a target area; use the survey results to determine the total number of Asian & White persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5g** In regard to a target area; use the survey results to determine the total number of American Indian/Alaskan Native & White persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5h** In regard to a target area; use the survey results to determine the total number of Black/African American @ White persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 5i** In regard to a target area; use the survey results to determine the total number of American Indian/Alaskan Native & Black/African American persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 6a** In regard to a target area; use the survey results to determine the total number of Elderly persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 6b** In regard to a target area; use the survey results to determine the total number of severely disabled persons in the service area. In regard to the entire Town/City being the target area, use the latest census information.
- Line 6c** In regard to a target area; use the survey results to determine the total number of Female Heads of Households in the service area. In regard to the entire Town/City being the target area, use the latest census information.

PUBLIC SERVICE BENEFIT DATA SYSTEM

| Client Name/number | Family size | LMI | Non-LMI | Demographic Codes (w/Number)* | Application Date | Service Provided | CDBG Funds | Other Funds | Total Funds | Service Completed |
|----------------------------------|--------------------|------------|----------------|--------------------------------------|-------------------------|-------------------------|-------------------|--------------------|--------------------|--------------------------|
| (SAMPLE) R. Jones # PS 001 | 4 | X | | 4W, 2E, 1F, 1D | 10/15/00 | Job Training | \$250 | \$100 | \$350 | 11/30/00 |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
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| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | |

*** Demographic Codes:**

(Insert codes after applicable number of household members - i.e. 4W)

W = White A = Asian E = Elderly F = Female B = Black/African American AI = American Indian/Alaskan Native

D = Severely disabled FH = Female Head of Household NH = Native Hawaiian/Other Pacific Islander

AW = Asian & White AIW = American Indian/Alaskan Native & White BW = Black/African American & White

AIB = American Indian/Alaskan Native & Black/African American

B. ADVERTISEMENTS:

During the progress of your CDBG project, it is necessary from time to time to publish an advertisement in the newspaper. The purpose of the advertisement could be to announce the acceptance of housing applications, instructions to bidders, or even to solicit contractors. Regardless of the purpose, HUD requires that certain statements be included in advertisements:

1. **ALL advertisements, regardless of the nature, must have the Fair Housing logo. (see last page of this book for logos)**



2. Advertisements for services, including ads to hire personnel, third party administrators, engineers, and planning professionals **must** contain the following language:

"An Equal Opportunity/Affirmative Action Employer"

C. SECTION 3 COMPLIANCE: ECONOMIC OPPORTUNITIES FOR LOW-TO-MODERATE INCOME PERSONS

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires economic opportunities, to the greatest extent feasible, be given to low and moderate-income persons and businesses located in the project area.

Section 3 is the legal basis by which HUD fosters local economic development and employment opportunities for individuals.

Section 3 compliance is divided into **(2) two** distinct areas - Recipient Thresholds and Contractor and Subcontractor Thresholds

1. Recipient Thresholds:

(Contractor and Subcontractor Thresholds will be fully addressed in the Contract Civil Rights Compliance Measures section.)

Which CDBG Grantees must comply with Section 3?

Recipient Thresholds apply only if the Grantee receives \$200,000 dollars or more of CDBG funding from the State within one grant year. For example, if a Grantee is awarded a \$400,000 grant for a public facilities project, the Recipient Threshold has been triggered.

Once the recipient threshold has been triggered, what compliance measures must be taken?

If Section 3 is triggered, several procedures **must** be undertaken by the Grantee in its own administrative operations:

1. Notifying Section 3 residents and Section 3 business concerns about economic opportunities generated by Section 3 covered assistance;

Section 3 Resident A resident of public housing, (regardless of income) or an individual residing in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended and who is a low- or very low-income person.

Section 3 Business Concern A business that is owned by Section 3 residents (at least 51 percent);

- employs a substantial number of Section 3 residents (at least 30% of the permanent, full time employees are currently Section 3 residents or within three years of the date of first employment with the business concern were Section 3 residents); or
- subcontracts with business concerns owned by or employing Section 3 residents (in excess of 25 percent of the dollar award of all subcontracts).

Examples: (1) Coordinating plans and implementation of economic development opportunities for residents with planning for housing and community development; (2) Conducting or sponsoring workshops on contracting procedures and specific contract opportunities in a timely manner so that Section 3 business concerns can take advantage of upcoming contracting opportunities, with such information being made available in languages other than English where appropriate, (3) recruiting local section 3 residents for available jobs by use of flyers, signs advertisements and contact with resident organizations and employment agencies to find workers.

2. **Notifying potential contractors about Section 3 requirements of this part, and incorporating the Section 3 clause in all solicitations and contracts;**

Examples: (1) Discussing Section 3 requirements at pre-bid and pre-constructions conferences; (2) Incorporating Section 3 preferences and requirements into development proposal packages.

3. **Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns by undertaking activities to reach the numerical goals established by the Department (HUD);**

Examples: (1) Entering into "first source" hiring agreements with organizations representing Section 3 residents; (2) Sponsoring a HUD-certified "Step-up" employment and training program for Section 3 residents; (3) Utilizing procurement procedures for Section 3 business concerns similar to those provided in 24 CFR Part 905 for business concerns owned by Native Americans; (4) In determining the responsibility of potential contractors, consider their record of Section 3 compliance as evidenced by past actions and their current plans for the pending contract.

4. **Cooperating in obtaining the compliance of contractors and subcontractors with the requirements of Section 3.**
6. **Submitting reports to HUD on the results of actions taken to provide training, jobs and contracts to Section 3 residents and Section 3 business concerns.**

SECTION 2:

Contract Civil Rights Compliance Measures

2. CONTRACT CIVIL RIGHTS COMPLIANCE MEASURES:

Community Development Block Grant funded contracts must conform to federal Civil Rights requirements. **This compliance requires those specific forms and/or provisions are included within the contract.** The dollar amount of the contract generally determines which civil rights documents and/or special language must be included.

A. REQUIRED DOCUMENTS/LANGUAGE:

In order for contracts to comply with Civil Rights requirements, contracts and bid documents must contain several specific documents. Due to the fact that bid packages precede the signed contract and often become part of the contract, it is the bid package that usually contains these "working documents". **[ALL DOCUMENTS THAT ARE REQUIRED TO BE PART OF ANY AND ALL BID AND CONTRACT PACKAGES ARE AVAILABLE FROM OCD. DO NOT GO OUT TO BID WITHOUT CONSULTING YOUR PROJECT DEVELOPMENT SPECIALIST.]**

1. All Contracts

All contracts are subject to the requirements of Title VI of the Civil Rights Act of 1964 as well as the Rehabilitation Act of 1973. All contracts under \$10,000 must contain the following language:

“The contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973. During the performance of the contract, the contractor shall not discriminate against any employee or applicant for employment on the basis of race, creed, color, sex, familial status or national origin. Such action shall include, but not be limited to the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of Compensation; and selection for training, including apprenticeship.

The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause. The Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, sex, familial status or national origin.

The Contractor shall incorporate the foregoing requirements in all subcontracts.”

2. Construction Contracts Over \$10,000

Construction contracts exceeding \$10,000 must contain the following language and documents:

A. Certification of Non-Segregated Facilities

Prior to the award of any construction contract over \$10,000, the Contractor must submit signed “**Certifications of Non segregated Facilities**” forms for him/herself and all subcontractors. A sample of this form for Prime Contractors is on page 27.

B. Certification of Equal Employment Opportunity

Prior to the contract award, the contractor and all subcontractors must submit signed “**Certification of Bidder Regarding Equal Employment Opportunity**”. Copies of the Contractor and Subcontractor certifications are available from OCD. An example is included on page 28.

C. Section 202 of Executive Order 11246

Construction contracts over \$10,000 are subject to Section 202 of Executive Order 11246 that mandates nondiscrimination in federally funded contracts. All contracts over \$10,000 **must contain the entire text of Section 202**. A copy of this text is included in this manual on pages 29 through 34.

Copies of the necessary documentation to be included in the bid packages, based on contract amount, are available from OCD.



**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CERTIFICATION OF CONTRACTOR REGARDING
SEGREGATED FACILITIES
(For Prime Contracts Exceeding \$10,000)**

Name of Prime Contractor: _____

Project Name and Number: _____

The undersigned hereby certifies that:

- (a) **No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964.**

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date



**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CERTIFICATION OF CONTRACTOR REGARDING
EQUAL EMPLOYMENT OPPORTUNITY
(For Prime Contracts Exceeding \$10,000)**

INSTRUCTIONS

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

Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven (7) calendar days after bid opening. No contract shall be awarded unless such report is submitted.

CERTIFICATION BY BIDDER

Name and address of bidder

1. Bidder has participated in a previous contract or subcontract subject to the EEO Clause.
 Yes No
2. Compliance reports were required to be filed in connection with such contract or subcontract.
 Yes No
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.
 Yes No
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?
 Yes No

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date

3. SECTION 202 OF EXECUTIVE ORDER 11246

A. Activities and contracts not subject to Section 202

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

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

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

B. Activities and contracts subject to Section 202

Applicable to Federally assisted construction contracts and related subcontracts exceeding \$10,000.

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

1. (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers'

representative of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (g) The contractor will include the provisions of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provision, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department the contractor may request the United States to enter into such litigation to protect the interest of the United States.

2. The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on -the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

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

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

available to employees and applicants for employment notices to be provided setting forth the provisions of this nondiscrimination clause.

- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants WM receive considerations for employment without regard to race, color, religion, sex, or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract of understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and- applicants for employment.
- (d) The contractor will comply with all provisions of Executive, Order 11246 of September 24, 1965, and the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for 'purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (g) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into -such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that

The applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government, which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract. or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of labor pursuant to Part IL Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply within these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

4. CERTIFICATION OF NONSEGREGATED FACILITIES AS REQUIRED BY THE MAY 19, 1967, ORDER (32 F.R. 74390 ON ELIMINATION OF SEGREGATED FACILITIES, BY THE SECRETARY OF IABOR.

Prior to the award of any construction contract or subcontract exceeding \$10,000, the Contractor shall submit signed Certification of Nonsegregated Facilities Forms for him/herself and all subcontractors.

5. THE AGE DISCRIMINATION ACT OF 1975

No person in the United States shall, on the basis of age, be excluded from participation or be denied the benefits of, or be subjected to discrimination under, any program or activity undertaken with federal funds.

6. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under Title I of the Housing and Community Development Act of 1974.

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

In connection with the planning and carrying out of any project assisted with CDBG funds, and to the greatest extent feasible, opportunities for training and employment should be given to lower-income persons residing within the unit of local government in which the project is located, and contracts for work in connection with the project should be awarded to eligible business

concerns which are located in, or owned in substantial part by persons residing -in, the same unit of local government in which the project is located. And that this contract, or any subcontracts, must adhere to and contain what is referred to as the Section 3 Clause, and which follows in its entirety:

Section 3 Clause:

- a. The work to be performed under this contracts subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). 'Me purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- c. The contract agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. 'Me contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- f. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education assistance Act

(25 U.S.C 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of sections 3 and 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with sec 7(b).

3. Section 3 Compliance – Construction Contracts Over \$100,000

As outlined in the General Civil Rights Compliance Measures section of this manual, Section 3 compliance may be triggered by certain contracts. Contractors and subcontractors must meet specific requirements if the Section 3 contract threshold has been triggered. The following outlines what the threshold is and the specific requirements that must be met if this threshold is triggered:

Contractor and Subcontractor Thresholds

Work on a section 3-covered project (the project was funded by CDBG funds in excess of \$200,000) or the contract or subcontract exceeds \$100,000.

Section 3 requirements in regard to Contractors and Subcontractors

Section 3 requires that "employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low-and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low-and very low-income persons."

Section 3 pertains to "new hires" only. If a contractor does not need to hire additional employees to complete the Section 3 covered project and does not need to subcontract out any work, Section 3 requirements would not have an impact on the contractor.

However, if the same contractor needs to fill job vacancies, hire additional personnel, or subcontract out work once the contract is executed, he/she would have to comply with the requirements of Section 3 (subcontracting falls under the category of "hiring" and, therefore, the process of subcontracting must comply with Section 3 requirements).

Contractors and Subcontractors must document their compliance with Section 3. Numerical goals for meeting compliance have been set forth in 24 CFR part 135 which implements Section 3 requirements. HUD has determined that those Contractors and Subcontractors that meet the numerical goals of this regulation will be found in compliance with Section 3. For those Contractors and Subcontractors that engage in "new hires" and do not meet the numerical goals outlined in 24 CFR part 135 (Section 3), the burden will be placed on them to prove how they were in compliance with Section 3.

Contract language required

As discussed above, contracts over \$100,000 trigger “Section 3” of the Housing and Urban Development Act of 1968 which requires that opportunities be given, to the greatest extent possible, to low/moderate income persons. In order to document compliance with Section 3. Several documents must be included in all construction bid packages and will become a part of any construction contract over \$100,000. The following language/documents are required.

A. Section 3 Clause

Contracts and subcontracts subject to Section 3 must adhere to and contain the “Section 3 clause” which outlines contractor and subcontractor responsibilities. This clause must be inserted in all Section 3 covered contracts and subcontracts. The Section 3 Clause in its entirety is available from OCD.

B. Section 3 Affirmative Action Plan

All contractors and subcontractors covered by Section 3 (with contracts or subcontracts exceeding \$100,000) are required to complete the **Section 3 Affirmative Action Plan** in which the Contractor agrees to implement hiring and other practices to increase the utilization of Section 3 residents and business concerns in the project. A **Section 3 Utilization Report** must be completed prior to closeout of the CDBG grant. A sample of the Section 3 Affirmative Action Plan and the Section 3 Utilization Report (with instructions)



**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SECTION 3 AFFIRMATIVE ACTION PLAN**

(Prime Contractor)

[For Prime Contracts that exceed \$100,000]

_____, Contractor, agrees to implement the following specific affirmative action steps directed at increasing the utilization of Section 3 Residents' and Section 3 Business Concerns within the Town/City/County of _____.

- A.** To ascertain from the locality's CDBG Program official the exact boundaries of the Section 3 Covered Project Area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B.** To attempt to recruit from within the Town/City/County the necessary individuals to fill employment opportunities generated by Section 3 covered assistance through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service and providing preference for these opportunities in the following order:
 - (i) Section 3 Residents residing in the service area or neighborhood in which the Section 3 covered project is located;
 - (ii) Participants in HLJD Youthbuild Programs, and
 - (iii) Other Section 3 Residents.
- C.** To maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and a vacancy exists.
- D.** To insert this Section 3 Affirmative Action Plan in all bid documents for contracts over \$100,000, and to require all bidders on subcontracts over \$100,000 to submit a Section 3 Affirmative Action Plan, including utilization goals and the specific steps planned to accomplish these goals.
- E.** To insure that subcontracts over \$100,000 which are typically let on a negotiated rather than bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.
- F.** To formally contact unions, subcontractors and trade associations to secure their cooperation for this program.
- G.** To notify Section 3 residents and Section 3 business concerns about economic opportunities generated by Section 3 covered assistance and to award Section 3 covered contracts, to the greatest extent feasible, to Section 3 business concerns in the following order of preference:

- (i) Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located;
 - (ii) Applicants selected to carry out HUD Youthbuild projects;
 - (iii) Other Section 3 business concerns.
- H.** To notify potential contractors about Section 3 requirements of this part, and incorporating the Section 3 clause in all solicitations and contracts.
 - I.** To facilitate the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns undertaking activities to reach the numerical goal established by HLJD.
 - J.** To cooperate in obtaining the compliance of contractors and subcontractors with the requirements of Section 3.
 - K.** To submit reports to DECD and HUD on the results of actions taken to provide training, jobs and contracts to Section 3 residents and Section 3 business concerns.
 - L.** To appoint an executive official of the company or agency as Equal Employment Opportunity Officer to coordinate the implementation of this Section 3 Affirmative Action Plan.
 - M.** To document utilization of Section 3 Employees on the covered project by having new employees, (including those of all subcontractors) from the Section 3 Area, complete the Section 3 Income Worksheet as provided by DECD
 - N.** To complete a Section 3 Utilization Report and submit said report to DECD, HUD, or their designee prior to final payment for the covered project; This report will list all Section 3 Employees documented on the Section 3 Income Worksheets and be in the format provided by DECD.
 - O.** To maintain records, including copies of correspondence, income verification memoranda, etc., which document that all levels of the above affirmative action steps have been taken.

| |
|---------------------------------|
| CONTRACTOR CERTIFICATION |
|---------------------------------|

As officers and representative of: _____
 (Name of Contractor)

On behalf of the Company, I have read and fully agree to the Section 3 Affirmative Action Plan, and become a party to the full implementation of this program.

 Name and Title of the Authorized Representative (print or type)

 Signature of Authorized Representative

 Date



DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SECTION 3 UTILIZATION REPORT

(To be Completed for all Prime Contracts Exceeding \$100,000)

A. SECTION 3 EMPLOYEE INFORMATION

Name of CDBG Grantee: _____

Name of Project: _____

CDBG Project Number: _____ Wage Decision Number: _____

Number of Section 3 Employees Utilized on Project by Prime Contractor: _____

Number of Section 3 Employees Utilized on Project by Subcontractors: _____

Total Number of Section 3 Employees Utilized on Project: _____

B. CERTIFICATION OF PRIME CONTRACTOR

As officer and representative of: _____
Name of Prime Contractor

Address: _____

Telephone Number: _____

On behalf of the Company, I hereby certify that the above information is true and accurate and is reported fully as required by the Section 3 Affirmative Action Plan as part of the contract for this CDBG assisted construction project. It is further understood that final payment from the State of Maine CDBG Program for this project cannot be made until this Report is submitted to the CDBG Grantee or authorized designee.

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date

**DIRECTIONS FOR COMPLETION
OF
SECTION 3 UTILIZATION REPORT
(For Prime Contracts Exceeding \$100,000)**

1. Determine if there has been Section 3 participation in the construction project.
 - a. If you hire new employees who reside in the county where the construction is taking place to work on the CDBG project, have them complete the one page Section 3 Income Worksheet and return it to you. Compare the Worksheet to the Section 3 Income Schedule provided you at the pre-construction conference to determine if they are Section 3 eligible.
 - b. Distribute copies of the Section 3 Income Worksheet to all subcontractors you engage for the project. Instruct them to have any new employees they hire who reside in the county where the construction is taking place complete the worksheet and have the subcontractors return the forms to you. Compare as in (a.), above to determine Section 3 eligibility.
2. Retain all Section 3 Income Worksheets with your project records.
3. Complete (A) Section 3 Employee Information area of the report.
 - a. Enter name of the community where the project is located.
 - b. Enter project name.
 - c. Enter CDBG Project Number & Federal Wage Decision Number. (located in contract documents)
 - d. Enter number of Section 3 Employees you utilized on project.
 - e. Enter number of Section 3 Employees utilized by subcontractors on project
 - f. Enter total number (d + e) of Section 3 Employees utilized on project
4. Complete (B) Certification by Prime Contractor area of Report
 - a. List your name, address and telephone number of your company.
 - b. Print or type name and title of authorized company representative.
 - c. Have authorized representative sign and date Report.

IMPORTANT REMINDER!

Final payment of CDBG funds will not be made until Section 3 Utilization Report is submitted to CDBG grantee or designee.

Definitions

Section 3 Resident:

- A resident of public housing (regardless of income)
- an individual residing in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended and who is:
 - (i) A member of a family whose income does not exceed 80 percent of the median income for that County; or
 - (ii) A member of a family whose income does not exceed 50 percent of the median income for that County.

Section 3 Business: A business concern that:

- is owned by Section 3 residents (at least 51%);
- employs a substantial number of Section 3 residents (at least 30% of the permanent, full time employees are currently Section 3 residents or within three years of the date of first employment with the business concern were Section 3 residents; or
- Subcontracts with business concerns owned by or employing Section 3 residents (in excess of 25 percent of the dollar award of all subcontracts).

Section 3 Covered Project Area: The area in which the persons benefiting from the Section 3 covered project reside. The service area shall not extend beyond the unit of general local government in which the Section 3 covered assistance is expended.

HUD Youthbuild Programs: a program that receives assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899) and provides disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low and very low-income families.

SECTION 3:

Housing Civil Rights Compliance Measures

3. HOUSING CIVIL RIGHTS COMPLIANCE MEASURES

A. REQUIRED DOCUMENTS:

The following documents are **required** for a municipality that has a housing rehabilitation program. By instituting these systems within your housing rehabilitation program, your community will be able to show it is complying with the many Civil Rights laws that pertain to housing.

1. Benefit Data System

A Benefit Data System enables a grantee to track the characteristics of each individual grant applicant. This document provides a brief overview of a grantee's direct benefit activities, such as housing rehabilitation and sewer hook-ups. All applicants to your housing program must be listed on the Benefit Data form even if their application is rejected. The Benefit Data System is used for Single-Family Owner-Occupant applicants and is on page 44.

2. Project Occupancy List

The Project Occupancy List is used to record all program applicants who are tenants. Section 104(d) of the Housing and Community Development Act of 1974, as amended, requires grantees to track tenants and rental rates for units that will be rehabilitated. This is to monitor whether or not CDBG funded activities have caused displacement. The Project Occupancy List also doubles as a Benefit Data System, since it contains demographic information about the individual. A sample Project Occupancy List is on page 45.

3. Contractor's List

(Not required for grantees that publicly advertise bids for each unit)

This form allows grantees to keep an up-to-date list of all qualified contractors that participate in the rehabilitation program. A Contractor's List form is on page 46.

4. Fair Housing Addendum (Not required for grantees that do not have rental rehabilitation programs.) This document, which must be part of **ALL** loan agreements with rental unit owners, outlines the rental unit owner's obligations under the Fair Housing Act of 1968. The Fair Housing Addendum can be found on page 48 of this manual.

The following document is **recommended** to be implemented by housing grantees.

5. Fair Housing Proclamation

A Fair Housing Proclamation is a public notice that can be used as part of a campaign to educate the public about the National Fair Housing Law of 1968 and the Fair Housing Amendments Act of 1988. Your community may choose to issue this proclamation in April of each year to coincide with National Fair Housing Week. A sample Fair Housing Proclamation is on page 47.

HOUSING REHABILITATION PROJECT OCCUPANCY BENEFIT DATA SYSTEM
(Tenant/Multi-Family Occupancy)

| Unit Address | Family Name/ File No. | Family size | LMI | Demographic Code* (w/ Numbers) | Application Date | Type of Work | CDBG Funds | Other Funds | Total Funds | Grant/ Loan | Tenant Before Rehab | Tenant After Rehab | Monthly Rent Before Rehab | Monthly Rent After Rehab | Date of Displacement Notice | Date of No Displacement Notice | Date/ Amount Temporary Relocation Payment | Date of Written Notice of Rent Increase |
|-----------------------------------|-----------------------|-------------|-----|--------------------------------|------------------|--------------|------------|-------------|-------------|-------------|---------------------|--------------------|---------------------------|--------------------------|-----------------------------|--------------------------------|---|---|
| (SAMPLE) 12 Elm Street Apt. #1 | Smith # 008 | 5 | Yes | 5B,2F,1D | 10/15/00 | Rehab | \$15,000 | \$3,000 | \$18,000 | Grant | Smith | Smith | \$450 | \$450 | 10/25/00 | 11/01/00 | \$0 | N/A |
| <input type="checkbox"/> | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | | | | | | | | | | | | | | | | | | |
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* **Demographic Codes:** (Insert codes after applicable number of household members - i.e. 5B)
W = White A = Asian E = Elderly F = Female B = Black/African American AI = American Indian/Alaskan Native
D = Severely disabled FH = Female Head of Household NH = Native Hawaiian/Other Pacific Islander
AW = Asian & White AIW = American Indian/Alaskan Native & White BW = Black/African American & White
AIB = American Indian/Alaskan Native & Black/African American

Sample Fair Housing Proclamation

PROCLAMATION

WHEREAS: The month of April 20__ has been set aside as FAIR HOUSING MONTH to acquaint the public with the urgent need for equal opportunity for all people in their quest for adequate housing; and

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

WHEREAS: The National Fair Housing Law of 1968 and the Fair Housing Amendments Act of 1988 prohibits discrimination in housing and declares it a national policy to provide, within Constitutional limitations, for fair housing in the United States; and

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

NOW, THEREFORE, I, _____, Mayor of the City/Town of _____ do hereby proclaim April 20__ as

FAIR HOUSING MONTH,

and I urge all the citizens of the City/Town of _____ to practice the letter and spirit of the Fair Housing Law.

Signed and Sealed this 1st Day of April in the Year 20__.

Chief Executive Officer

FAIR HOUSING ADDENDUM FOR MULTI-UNIT HOUSING REHABILITATION CONTRACT

The borrower must comply with the following provisions enacted in law by the Fair Housing Amendments Act of 1988 as set forth by 24 CFR Part 14 et al, known as "Implementation of the Fair Housing Amendments Act of 1988; Final Rule".

Subpart B - Discriminatory Housing Practices

§ 100.50 Real Estate practices prohibited.

(a) This subpart provides the Department's interpretation of conduct that is unlawful housing discrimination under section 804 and section 806 of the Fair Housing Act. In general the prohibited actions are set forth under sections of this subpart, which are most applicable to the discriminatory conduct described.

However, an action illustrated in one section can institute a violation under sections in the subpart. For example, the conduct described in 100.60(b)(3) and (4) would constitute a violation of 100.65(a) as well as 100.60(a).

(b) It shall be unlawful to:

(1) Refuse to sell or rent a dwelling after a **bona fide** offer has been made, or to refuse to negotiate for the sale or rental of a dwelling because of handicap.

(2) Discriminate in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with sales or rentals, because of race, color, religion, sex, handicap, familial status, or national origin.

(3) Engage in any conduct relating to the provision of housing which otherwise makes unavailable or denies dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Make, print, publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation or discrimination.

(5) Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that a dwelling is not available for sale or rental when such dwelling is in fact available.

(6) Engage in block busting practices in connection with the sale or rental of dwellings because of race, color, religion, sex, handicap, familial status, or national origin.

(7) Deny access to or membership or participation in, or to discriminate against any person in his or her access to or membership or participation in, any multiple-listing service, real estate brokers' association, or other service organization or facility relating to the business of selling or renting a dwelling or in the terms or conditions or membership or participation, because of race, color, religion, sex, handicap, familial status, or national origin.

(c) The application of the Fair Housing Act with respect to persons with handicaps is discussed in Subpart D of this part.

§ 100.60 Unlawful to refuse to sell or rent or to negotiate for the sale or rental.

(a) It shall be unlawful for a person to refuse to sell or rent a dwelling to a person who has made a **bona fide** offer, because of race, color, religion, sex, familial status, or national origin or to refuse to negotiate with a person for the sale or rental of a dwelling because of race, color, religion, sex, familial status, or national origin, or to discriminate against any person in the sale or rental of a dwelling because of handicap.

(b) Prohibited actions under this section include, but are not limited to:

(1) Failing to accept or consider a **bona fide** offer because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Refusing to sell or rent a dwelling to, or to negotiate for the sale or rental of a dwelling with, any person because of race, color, religion, sex, handicap, familial status, or national origin.

(3) Imposing different sales prices or rental charges for the sale or rental of a dwelling upon any person because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Using different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of race, color, religion, sex, handicap, familial status, or national origin.

(5) Evicting tenants because of their race, color, religion, sex, handicap, familial status, or national origin or because of the race, color, religion, sex, handicap, familial status, or national origin of a tenant's guest.

§ 100.65 Discrimination in terms, conditions and privileges and in services and facilities.

(a) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to impose different terms, conditions or privileges relating to the sale or rental of a dwelling or to deny or limit services or facilities in connection with the sale or rental of a dwelling.

(b) Prohibited actions under this section include, but are not limited to:

(1) Using different provisions in leases or contracts of sale, such as those relating to rental charges, security deposits and the terms of a lease and those relating to down payment and closing requirements, because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Failing or delaying maintenance or repairs of sale or rental dwellings because of race, color, religion, sex, handicap, familial status, or national origin.

(3) Failing to process an offer for the sale or rental of a dwelling or to communicate an offer accurately because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Limiting the use of privileges, services or facilities associated with a dwelling because of race, color, religion, sex, handicap, familial status, or national origin of an owner, tenant or a person associated with him or her.

(5) Denying or limiting services or facilities in connection with the sale or rental of a dwelling, because a person failed or refused to provide sexual favors.

§ 100.70 Other prohibited sale and rental conduct.

(a) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development.

(b) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to engage in any conduct relating to the provision of housing or of services and facilities in connection therewith that otherwise makes unavailable or denies dwellings to persons.

(c) Prohibited actions under paragraph (a) of this section, which are generally referred to as unlawful steering practices, include, but are not limited to:

(1) Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion, sex, handicap, familial status, or national origin, or because of the race, color, religion, sex, handicap, familial status, or national origin of persons in a community, neighborhood or development.

(2) Discouraging the purchase or rental of a dwelling because of race, color, religion, sex, handicap, familial status, or national origin, by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development.

(3) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Assigning any person to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of race, color, religion, sex, handicap, familial status, or national origin.

(d) Prohibited activities relating to dwellings under paragraph (b) of this section include, but are not limited to:

1) Discharging or taking other adverse action against an employee, broker or agent because he or she refused to participate in a discriminatory housing practice.

2) Employing codes or other devices to segregate or reject applicants, purchasers or renters, refusing to take or to show listings of dwellings in certain areas because of race, color, religion, sex, handicap, familial status, or national origin, or refusing to deal with certain brokers or agents because they or one or more of their clients are of a particular race, color, religion, sex, handicap, familial status, or national origin.

3) Denying or delaying the processing of an application made by a purchaser or renter refusing to approve such a person for occupancy in a cooperative or condominium dwelling because of race, color, religion, sex, handicap, familial status, or national origin.

4) Refusing to provide municipal services or property or hazard insurance for dwellings or providing such services or insurance differently because of race, color, religion, sex, handicap, familial status, or national origin.

§ 100.75 Discriminatory advertisements, statements and notices.

(a) It shall be unlawful to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling which indicates any preference,

limitation or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation or discrimination.

(b) The prohibitions in this section shall apply to all written or oral notices or statements by a person engaged in the sale or rental of a dwelling. Written notices and statements include any applications, flyers, brochures, deeds, signs, banners, posters, billboards or any documents used with respect to the sale or rental of a dwelling.

(c) Discriminatory notices, statements and advertisements include, but are not limited to:

(1) Using words, phrases, photographs, illustrations, symbols or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, sex, handicap, familial status, or national origin of such persons.

(3) Selecting media or locations for advertising the sale or rental of dwellings, which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising because of race, color, religion, sex, handicap, familial status, or national origin.

(d) 24 CFR Part 109 provides information to assist persons to advertise dwellings in a nondiscriminatory manner and describes the matters the Department will review in evaluating compliance with the Fair Housing Act and in investigating complaints alleging discriminatory housing practices involving advertising.

§ 100.80 Discriminatory representations on the availability of dwellings.

(a) It shall be unlawful because of race, color, religion, sex, handicap, familial status, or national origin, to provide inaccurate or untrue information about the availability of dwellings for sale or rental.

(b) Prohibited actions under this section include, but are not limited to:

(1) Indicating through words or conduct that a dwelling, which is available for inspection, sale, or rental, has been sold or rented, because of race, color, religion, sex, handicap, familial status, or national origin.

(2) Representing that covenants or other deed, trust or lease provisions which purport to restrict the sale or rental of dwellings because of race, color, religion, sex, handicap, familial status, or national origin preclude the sale or rental of a dwelling to a person.

(3) Enforcing covenants or other deed, trust, or lease provisions, which preclude the sale or rental of a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin.

(4) Limiting information, by word or conduct, regarding suitably priced dwellings available for inspection, sale or rental, because of race, color, religion, sex, handicap, familial status, or national origin.

(5) Providing false or inaccurate information regarding the availability of a dwelling for sale or rental to any person, including testers, regardless of whether such person is actually seeking housing, because of race, color, religion, sex, handicap, familial status, or national origin.

§ 100.85 Blockbusting

(a) It shall be unlawful, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, or national origin or with a handicap.

(b) In establishing a discriminatory housing practice under this section it is not necessary that there was in fact profit as long as profit was a factor for engaging in the blockbusting activity.

(c) Prohibited actions under this section include, but are not limited to:

(1) Engaging, for profit, in conduct (including uninvited solicitations for listings) which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, religion, sex, handicap, familial status, or national origin of persons residing in it, in order to encourage the person to offer a dwelling for sale or rental.

(2) Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, religion, sex, familial status, or national origin, or with handicaps, can or will result in undesirable consequences for the project, neighborhood or community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

Subpart D - Prohibition Against Discrimination Because of Handicap

§ 100.200 Purpose

The purpose of this subpart is to effectuate sections 6 (a) and (b) and 15 of the Fair Housing Amendments Act of 1988.

§ 100.202 General prohibitions against discrimination because of handicap

(a) It shall be unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of-

(1) That buyer or renter;

(2) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(3) Any person associated with that person.

(b) It shall be unlawful to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of-

(1) That buyer or renter;

(2) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(3) Any person associated with that person.

(c) It shall be unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that person, has a handicap or to make inquiry as the nature or severity of a handicap of such a person. However, this paragraph does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have handicaps:

(1) Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;

(2) Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap;

(3) Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with handicaps or to persons with a particular type of handicap;

(4) Inquiring whether or an applicant for a dwelling is a current illegal abuser or addict of a controlled substance.

(5) Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

(d) Nothing in this subpart requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

§ 100.203 Reasonable modifications of existing premises.

(a) It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for handicapped persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

(b) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that required building permits will be obtained.

(c) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1): A tenant with a handicap asks his or her landlord for permission to install grab bars in the bathroom at his or her own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant, at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the

condition that existed before the modifications, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of tenancy. The landlord may also reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by some future tenant.

Example (2): An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord may **not**, in usual circumstances, condition permission for the modification on the applicant paying for the modification or the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

§ 100.204 Reasonable accommodations.

(a) It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

(b) The application of this section may be illustrated by the following examples:

Example (1): A blind applicant for rental housing wants to live in a dwelling unit with a seeing eye dog. The building has a "no pets" policy. It is a violation of §100.204 for the owner or manager of the apartment complex to refuse to permit the applicant to live in the apartment with a seeing eye dog because, without the seeing eye dog, the blind person will not have an equal opportunity to use and enjoy a dwelling.

Example (2): Progress Gardens is a 300 unit apartment complex with 450 parking spaces which are available to tenants and guests of Progress Gardens on a "first come first served" basis. John applies for housing in Progress Gardens. John is mobility impaired and is unable to walk more than a short distance and therefore requests that a parking space near his unit be reserved for him so he will not have to walk very far to get to his apartment. It is a violation of § 100.204 for the owner or manager of Progress Gardens to refuse to make accommodations. Without a reserved space, John might be unable to live in Progress Gardens at all or, when he has to park in a space far from his unit, might have great difficulty getting from his car to his apartment unit. The accommodation therefore is necessary to afford John equal opportunity to use and enjoy a dwelling. The accommodation is reasonable because it is feasible and practical under the circumstances.

SECTION 4:

Job Creation Civil Rights Compliance Measures

4. JOB CREATION & PUBLIC SERVICES CIVIL RIGHTS COMPLIANCE MEASURES

A. JOB CREATION/RETENTION POLICIES

The following policies are **required** to be followed by the municipality that has a job creation/retention program. By instituting these policies your community will be complying with those Civil Rights requirements that pertain to job creation, and demonstrating that the project meets national benefit requirements relating to job creation for low and moderate-income persons.

Only certain jobs may be counted toward meeting job creation and/or retention requirements:

1. Only **Permanent** jobs count; temporary jobs cannot be included;
2. Part-time jobs **must** be converted to full-time equivalents;
3. **Seasonal** jobs may be counted only if the season is long enough for the job to be considered as the employee's principal occupation;
4. All permanent jobs created by the activity must be counted even if the activity has multiple sources of funding;
5. Jobs indirectly created by an assisted activity (trickle down jobs) may not be counted.

B. REQUIRED JOB CREATION/RETENTION DOCUMENTATION

The following documents must be maintained by the municipality for each business assisted.

For Job Creation:

1. A **written agreement with the business** stating that at least 51% of the jobs created, (on a full-time equivalent basis) will be held by LMI persons;
2. A listing from the business, by job title, of the permanent jobs prior to receipt of CDBG assistance (i.e. the baseline employment level); A sample **Baseline Employment Summary** is on page 59.
3. A listing from the business, by job title, of the permanent jobs filled as a result of the CDBG assistance, which of these were taken by LMI persons, and the demographic characteristics of each employee. A **Job Creation Benefit Data System** that includes all of the information necessary to meet this requirement must be completed for each business assisted, and a sample form is on page 60.
4. Documentation of the size, annual income and makeup of the person's immediate family prior to the person being hired for the job (for each person claimed as part of the LMI program benefit). Your Project Development Specialist will provide you with a **Benefit Data Sheet** to collect his information. The Benefit Data Sheet contains the LMI income thresholds for your county. A sample Benefit Data Sheet is on page 61 (note: this is for Androscoggin County, you must obtain the correct sheet for the County your project is located in).

For Job Retention:

Additional requirements apply where Job Retention is to be used. In order for jobs to be counted as retained, the following is necessary:

1. Written documentation providing **clear and objective** evidence that the permanent jobs to be retained will be lost without CDBG assistance;
"Clear and Objective" evidence that jobs will be lost may include such evidence as a notice issued by the business to affected employees, a public announcement by the business, or relevant financial records;
2. Documentation that the retained jobs involve the employment of LMI persons (51% of these jobs are known to be held by LMI persons when CDBG assistance is provided and/or can reasonably be expected to "turnover" to LMI persons within two years);

A listing, by job title, of the permanent jobs retained, indicating which of those are part-time, which are held by LMI persons at the time the CDBG assistance was received, and the demographic characteristics of the employees; A **Job Creation Benefit Data System** which outlines all of the required information must be completed for each business assisted and is available from OCD.

Documentation on the size, annual income and makeup of the person's immediate family for each retained job claimed to be held by a LMI person. A sample Benefit Data Sheet is on page 61 (note: this is for Androscoggin County, you must obtain the correct sheet for the County your project is located in).

C. ADDITIONAL JOB CREATION/RETENTION DOCUMENTATION

1. Micro-loan Summary Sheet

Because Micro-Loan projects involve job creation/retention for several different businesses, a Summary sheet is necessary to compile all of the job creation goals of all of the businesses assisted. A Sample Micro-Loan Summary Sheet is on page 62.

2. Employment Goals Summary Sheet

Where the business assisted has not yet begun to create the jobs it expects to create with CDBG assistance, an Employment Goals outline is necessary to summarize in writing the expectations of the business and municipality for the project. As the business begins to actually create jobs the Job Creation Benefit Data system will be completed for the business and will be updated as appropriate. An example of the Employment Goals Summary Sheet is shown on page 63.

"Made Available" Documentation:

In rare circumstances, a business may meet job creation requirements through "making jobs available" to LMI persons. This activity requires extensive coordination with, and documentation of, recruiting and referrals from agencies such as the Maine Job Service, as well as labor market studies. Approval for this activity is determined by OCD on a case-by-case basis.

JOB CREATION BENEFIT DATA SYSTEM

CDBG Economic Development Infrastructure Program

Name of Business: _____

| Employee Number/Name | Job Title Created/Retained | Date of Hire | Full-time | Part-time (% of Full) | LMI | Non-LMI | Demographic Code * |
|----------------------|----------------------------|--------------|-----------|-----------------------|-----|---------|--------------------|
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| TOTAL: | | | | | | | |

*** Demographic Codes:**

W = White A = Asian E = Elderly F = Female B = Black/African American AI = American Indian/Alaskan Native
 D = Severely disabled FH = Female Head of Household NH = Native Hawaiian/Other Pacific Islander AW = Asian & White
 AIW = American Indian/Alaskan Native & White BW = Black/African American & White
 AIB = American Indian/Alaskan Native & Black/African American

 Signature of Company CEO/Official

TOWN/CITY OF _____
SURVEY AND BENEFIT DATA INFORMATION SHEET
ANDROSCOGGIN COUNTY

Date: _____ CDBG PROGRAM TYPE _____

The Town/City of _____ is currently preparing an application for Community Development Block Grant (CDBG) funds from the State of Maine, Department of Economic and Community Development. The proposed activities are to: _____

_____ For the proposed activities, the CDBG program requires proof of providing benefit to low and moderate-income persons. Therefore, the community is surveying the potential beneficiaries to ensure compliance with the regulations of the CDBG Program.

Your response to the following questions is critical in finalizing the application process. All responses will be kept confidential and used solely for securing CDBG grant funds.

=====

Name (optional): _____ Survey # _____
 Address: _____

Please place an "X" in the appropriate spaces pertaining to your family's size, annual income and makeup.

| FAMILY SIZE | INCOME | | |
|-------------|----------|-------------|-------------|
| 1 | \$24,000 | Above _____ | Below _____ |
| 2 | 27,450 | Above _____ | Below _____ |
| 3 | 30,900 | Above _____ | Below _____ |
| 4 | 34,300 | Above _____ | Below _____ |
| 5 | 37,050 | Above _____ | Below _____ |
| 6 | 39,800 | Above _____ | Below _____ |
| 7 | 42,550 | Above _____ | Below _____ |
| 8 | 45,300 | Above _____ | Below _____ |

Read This Carefully

In determining total family income use your Total Adjusted Gross income for your household as reported on your most recent Federal Income Tax form. If you use Form 1040 – use line 33. If you use Form 1040A – use line 19. If you use Form 1040EZ – use line 4.

BENEFICIARY INFORMATION:

Family Race indicate by putting an "X" on the appropriate line
 White _____ Black/African American _____ Asian _____
 American Indian/Alaskan Native _____ Native Hawaiian/Other Pacific Islander _____
 American Indian/Alaskan Native & White _____ Asian & White _____
 Black/African American & White _____
 American Indian/Alaskan Native & Black/African American _____ Other _____

Family Make-up: Enter number of elderly or severely disabled family members and indicate with an "X" if a female head of household is present

Number of Elderly: _____
 Number of Severely Disabled: _____
 Female Head of Household: _____ Yes _____ No

TO BE FILLED OUT BY INDEPENDENT VERIFIER: LMI _____ NON-LMI _____

 Signature of authorized official Date

EMPLOYMENT GOALS SHEET
 CDBG Economic Development Infrastructure Program
 CDBG Micro-loan Program

Business Name

| | No. LMI Jobs Expected | No. Non-LMI Jobs Expected | Total All Jobs Expected | LMI Jobs as % of Total | Date to be Accomplished |
|---|-----------------------|---------------------------|-------------------------|------------------------|-------------------------|
| Jobs to be Retained | | | | | |
| Jobs to be Created: | | | | | |
| - within 12 months | | | | | |
| - within 24 months | | | | | |
| - within 36 months | | | | | |
| TOTAL Jobs to be CREATED | | | | | |
| TOTAL ALL JOBS CREATED/ RETAINED | | | | | |

SECTION 5:

Additional Civil Rights Regulations, Provisions, and Information

A. In the Area of Nondiscrimination

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

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

1. In CDBG-funded public services, facilities, and improvements:

a. Recipients may not, directly or through contractual or other arrangements, discriminate against anyone on the grounds of race, national origin, or sex. Discriminatory actions could include:

- I. Denying facilities, services or benefits,
- II. Providing different facilities, services, or benefits,
- III. Providing segregated or different treatment, and
- IV. Restricting access to any advantage or privilege enjoyed by others.

b. Recipients may not select sites or locations of facilities, which have an exclusionary or discriminatory effect.

c. Recipients may not use criteria or methods of program administration, which have a discriminatory effect.

References: Title VI 24 CFR, Part I, and Section 109, Housing and Community Development Act of 1974.

2. In employment:

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

b. Contractors may not deny - on the basis of race, color, religion, national origin, or sex - the opportunity for employment on CDBG-funded contracts. See Supporting Materials, Section B, for further information.

References: Section 109, Housing and Community Development Act of 1974, and Executive Order 11246.

3. In contracting:

a. Recipients must ensure nondiscrimination in the solicitation and awarding of contracts generating from Title I funds, including:

- i. Nondiscriminatory advertising and distribution of solicitations,
- ii. Nondiscriminatory bid specifications or evaluation criteria, and

- iii. Nondiscriminatory awards of contracts.

References: Section 109, Housing and Community Development Act of 1974.

4. For CDBG-funded housing programs and activities:

a. Recipients are required to ensure nondiscrimination in administering their CDBG housing programs. This includes the provision of relocation housing and services for persons displaced by CDBG activities.

Under the Fair Housing Law, the following actions - if based on race, color, religion, sex, disability, or familial status, or national origin - are considered discriminatory:

- i. Refusing to sell, or rent to, deal, or negotiate with any person (Section 804(b)),
- ii. Discriminating in terms or conditions for buying or renting housing (Section 804(b)),
- iii. Discriminating by advertising that housing is available only to persons of a certain race, color, religion, sex, or national origin (Section 804(c)),
- iv. Denying that housing is available for inspection, sale, or rent when it actually is available (Section 804 (d)),
- v. Persuading owners to sell or rent housing by informing them that minority groups are moving into the neighborhood (Section 804(e)),
- vi. Denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations, and insurance companies (Section 805), and
- vii. Denying to anyone the use of or participation in any real estate services, multiple-listing services, or other facilities related to the selling and renting of housing (Section 806).

b. Recipients may not, directly or through contractual or other arrangements, discriminate against anyone on the grounds of race, color, national origin, sex, age, disability, or familial status.

c. Recipients may not select sites or locations of housing and housing-related facilities that have an exclusionary or discriminatory effect.

d. Recipients may not discriminate against a person on the basis of race, color, religion, sex, disability, or familial status, or national origin in housing and related facilities provided with Federal assistance or in housing for which loans are insured or guaranteed by the Federal Government.

References: Title VIII Civil Rights Act of 1968 (Fair Housing Law), Sections 804-806, Title VI 24 CFR, Part I, Section 109, Housing and Community Development Act of 1974, Executive Order 11063, and Fair Housing Amendments Act of 1988.

5. Other Requirements:

The following are extensions of nondiscrimination provisions, which the State and recipients must take into account.

a. 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.

b. No otherwise qualified handicapped individual in the United States shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.

References: Age Discrimination Act of 1975, and Rehabilitation Act of 1973, Section 504.

B. Affirmative Action

1. Regarding past discrimination:

a. The State and recipients must take affirmative action to overcome the effects of past discrimination actions which have been found as a result of a compliance review.

b. Recipients may voluntarily take affirmative action to overcome the effects of conditions that tend to limit or exclude participation by persons of a particular race, color, national origin, or sex.

References: Title VI 24 CFR, Part I.

2. Regarding local employment:

a. Recipients must, to the maximum extent feasible, ensure that lower-income residents in their communities receive any training or employment generated by CDBG projects.

b. Recipients must take affirmative action to ensure that applicants are employed and the employees are treated during employment without regard to their race, color, religion, sex, or national origin.

References: Section 3, Housing and Urban Development Act of 1968, as amended.

3. Regarding contracting:

a. Recipients must take affirmative action to utilize businesses located in the project area or owned in substantial part by persons residing in the project area.

b. Recipients may voluntarily take affirmative action to encourage contracting with minority business enterprises.

c. Suggested activities include:

i. Developing lists of minority-owned and local businesses in construction trades, business services, and professional services,

ii. Contacting minority business and contractor associations to obtain information on skill and resource capabilities,

iii. Establishing an action plan and goals for the use of minority-owned and local businesses including opportunities for subcontracting in procurement and construction contracting-related activities,

iv. Establishing goals and taking steps to provide opportunities for minority equity investment in funded projects,

v. Notifying minority firms of contract opportunities and indicating to them when Request for Proposal or bid packages will be available, or when Statements of Interest and Qualifications are due, and

vi. Making Equal Employment Opportunity and Affirmative Action an integral part of the municipal personnel system.

References: Section 3, Housing and Urban Development Act of 1968, as amended.

4. For Fair Housing:

a. The State is required by Title I certifications not to discriminate in the provision of housing and not to discriminate in CDBG-funded activities that provide housing or housing services and to certify that all CDBG programs will be carried out in a manner to affirmatively further fair housing.

b. Suggested activities include:

i. Adopting local Fair Housing Resolutions. A sample resolution is included in this manual,

ii. Displaying Fair Housing posters and using appropriate Fair Housing language and logo when advertising. Posters and logos may be obtained from HUD,

iii. Proclaiming the month of April as Fair Housing Month. April is the anniversary of the national Fair Housing Law (Title VIII, Civil Rights Act of 1968) and has traditionally been designated as Fair Housing Month in the United States. A sample proclamation is included in this manual.

iv. Reviewing local zoning laws and procedures to determine whether they contribute to, or detract from, progress in fair housing. Establish a collection of

zoning material to have available for the use of staff as well as fair housing groups.

v. Providing funding for local fair housing organizations or providing both financial and technical assistance to citizens wishing to organize such a group.

vi. Drawing on local resources to assess existing public opinion about the status of fair housing in the community. Appropriate contacts include fair housing organizations, public and private "community centers", civil rights groups, and organizations representing minorities.

vii. Developing active public information and educational programs to provide fair housing information to the community. Such programs should be focused on citizen groups concerned with housing issues and organizations representing specific population groups.

References: Title I, Section 104(b)(2), Executive Order 11063, Title VI, Title I, Section 109, Title VIII, 808(e)(5), 5 MRSA, Section 4581, and 14 MRSA, Section 6024.

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