

## Chapter 8: Fair Housing and Equal Access

### Introduction

This chapter covers the rules and regulations that are applicable to upholding the rights of every individual regardless of race, creed, color, national origin, ancestry, sex, gender identity or expression, age, lawful source of income, familial status, learning disability or physical/mental disability, or sexual orientation on projects that utilize CDBG Small Cities funds. A list of all [protected classes](#) under federal and state law can be found as Attachment 8-1.

[Attachment 8-1: Connecticut Protected Classes List](#)

Each grantee of Small Cities Development Block Grant funds must comply with the fair housing and civil rights laws and requirements contained in the contract for financial assistance and local assurances. By agreeing to these provisions, the grantee has certified that its project will be designed and administered in a non-discriminatory manner. In addition, all state and federal projects funded by DOH are subject to the requirements of Section 8-37cc(b) of the [Connecticut General Statutes \(CGS\)](#) which states, *“Each housing agency shall affirmatively promote fair housing choice and racial and economic integration in all programs administered or supervised by such housing agency.”*

[Fair housing](#) and civil rights laws impact many aspects of Small Cities projects. [Nondiscrimination](#) must be shown with relation to any benefits created with a grantee's public facilities projects. In addition, the grantee will be expected to show that the community in general is committed to nondiscrimination, equal opportunity, and affirmative action.

### Grantee's Responsibility

- Affirmatively further fair housing by analyzing the impediments to fair housing
- Implement fair housing action steps including activities for Fair Housing Month
- Implement the project in a non-discriminatory manner
- Maintain records that document project beneficiaries
- Demonstrate compliance with fair housing and civil rights objectives

### State's Responsibility

- Rate and rank fair housing and civil rights components of the Small Cities application
- Perform compliance review of the project during the life of the contract for financial assistance

### Section 8.1 Affirmatively Furthering Fair Housing (AFFH)

Every Grantee must promote fair housing practices within its jurisdiction. While there are many ways that Grantees can promote fair housing practices, the following guidelines have been adopted by DOH:

#### Step 1: Analyze Impediments to Fair Housing.

Grantees are not required to perform their own Analysis of Impediments but may use the analysis performed by the State or by an adjacent entitlement community.

**Step 2: Implement Fair Housing Action Steps.**

Each grantee must identify and implement action steps to overcome the impediments to fair housing. The *Connecticut Opportunity Map* will assist you in identifying the fair housing action steps appropriate for your community.

[Connecticut Opportunity Map](#)

**Step 3: Develop a Fair Housing Resolution.**

The Grantee should work with their Attorney to develop a Fair Housing Ordinance. A sample Fair Housing Action Plan and Resources has been provided as Attachment 8-2. The Fair Housing Ordinance must be formally adopted by the Grantee and included with each application for funding.

[Attachment 8-2: Fair Housing Action Plan and Resources](#)

**Step 4: Display the Applicable Fair Housing Logo and Posters.**

The Grantee and their Grant Administrator are responsible for placing the applicable Civil Rights posters in conspicuous locations of public buildings, including local government offices, and the posters must always be displayed at the job site. The required posters may be found in the DOH's *Fair Housing and Civil Rights Manual*. (See Attachment 8-3: Fair Housing and Civil Rights Manual) All housing-related notices, advertising, and brochures must include the fair housing logo. DOH also recommends that the logo be displayed on all municipal stationary.

[Attachment 8-3: Fair Housing and Civil Rights Manual](#)

Grantees must post the following documentation at the town/city hall in a prominent place for viewing by the general public:

- Title VI Certification
- Fair Housing Policy Statement which includes Discrimination Complaint Procedure
- ADA Notice
- ADA Grievance Procedure
- Affirmative Action Policy Statement
- Fair Housing Posters in both English and Spanish. Copies can also be found on the DOH Website.
- Equal Employment Opportunity posters in both English and Spanish. Copies can be found on the DOH Website

Municipal officials should become thoroughly familiar with the FHAP's provisions and actively participate in its implementation since they are ultimately responsible for ensuring that the town/city complies with the FHAP. Failure to do so can result in the grantee being ineligible to apply for a grant in the future. Grantees may enlist public participation in carrying out the plan and post it so that it is made available to the general public.

As part of the FHAP, the grantee pledges to carry out local fair housing actions steps to overcome the identified impediments to fair housing choice. Too often, cities and towns have made statements that they will fight housing discrimination but in actuality have done nothing to overcome housing discrimination or segregation in their communities, as HUD states below in its *Fair Housing Planning Guide*:

*"It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community's effort to affirmatively further fair housing. The Department believes that the principles embodied in the concept of 'fair housing' are fundamental to healthy communities, and that communities must be encouraged and supported to include real, effective, fair housing strategies in the overall planning and development process, not only because it is the law, but because it is the right thing to do." -Fair Housing Planning Guide*

[HUD Fair Housing Planning Guide](#)

For more information, please see the *HUD Fair Housing Planning Guide*.

Examples of action steps designed to truly overcome the impediments to fair housing include:

- Hiring a fair housing specialist to train town/city staff and housing authority staff, not simply notifying staff that they should attend a fair housing training with little effort to ensure that this happens
- Conducting fair housing seminars once a year for community residents, landlords, real estate professionals and lenders
- Reviewing local building and zoning codes to remove overly restrictive occupancy standards, family definitions, and density requirements which prevent large families with children or people who are disabled from occupying housing in any neighborhood
- Developing a written inspection procedure to inspect and monitor new construction and substantial rehabilitation specifically for compliance with the accessibility requirements of the fair housing laws, the American Disabilities Act, and related laws
- Creating or expanding Section 8 and other mobility counseling programs to encourage people of color, people with disabilities, families with children, as well as low and moderate income people to move into the town/city

In short, fair housing action steps should ensure that the people underrepresented in the community are able and encouraged to move to the town/city in question and/or can avail themselves of the services that it provides.

#### **Step 5: Contract Provisions**

Include provisions for non-discrimination in all contracts issued to all recipients of your CDBG funds, including businessmen, developers, contractors, and homeowners. Keep a copy of such provisions in your file, along with any additional information documenting your own compliance. See [Chapter 10: Contracts and Modifications](#).

## Section 8.2 Drug Free Workplace Policy

A Drug Free Workplace Policy must be formally adopted by the Grantee, if one does not exist. This policy is intended to establish a drug free workplace and will be considered as a condition of employment.

A copy of the Drug Free Workplace Policy **MUST** be included in all applications for funding.

## Section 8.3 Equal Employment Opportunity (EEO) Compliance

The [Equal Employment Opportunity \(EEO\)](#) Posters must be displayed at the job site. It is the responsibility of the Grant Administrator to provide the posters to the Grantee and verify that the posters are displayed at the job site.

## Section 8.4 Accessibility Certification

All CDBG assisted facilities must be designed, constructed and altered so as to be accessible to and usable by persons with physical disabilities. To accomplish this, the Grant Administrator must complete the following tasks:

### **Step 1: Architect/Engineer Coordination**

Coordinate activities with the design architect or engineer.

### **Step 2: Certification of Accessibility**

The Grantee and project Engineer or Architect are responsible for:

- a. Affirming that the completed project is accessible to all persons regardless of disabilities,
- b. Completing the Attachment 8.4: Certification of Accessibility and submitting to DOH no later than Project Monitoring.

[Attachment 8-4:  
Certification of Accessibility](#)

Certain types of projects utilizing CDBG funds are exempt from the above step. Exempt projects include housing rehabilitation, shelter diversion, and most infrastructure projects. Grantee should contact DOH, if they are unsure of the status of their project.

## Section 8.5 Limited English Proficiency

In Compliance with Executive Order 13166, DOH has conducted the four-factor analysis and developed the following [Language Access Plan \(LAP\)](#) for [Limited English Proficiency \(LEP\)](#) persons.

In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate the federal prohibition against national origin discrimination.

Because virtually all assistance is provided by the Unit of Local Government (ULG) or nonprofits, all Grantees are required to follow the measures outlined below.

### **Step 1: Conduct Analysis**

Conduct the *Four Factor Analysis* prior to advertising the initial public hearing. A sample has been provided. A sample Four Factor Analysis is included in this Chapter as Attachment 8-5.

[Attachment 8-5: Four Factor Analysis for Limited English Proficiency](#)

### **Step 2: If Required, Provide Language Assistance**

If the four-factor analysis reveals one or more LEP populations (an LEP population of five percent but at least 50 persons or a LEP population of 1,000 or more persons) within the jurisdiction, the Grantee will provide appropriate language assistance by 1) posting notices of the CDBG application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken, and 2) providing translation services at public hearings if requested to do so by LEP persons.

### **Step 3: Develop LAP**

If an application is funded, the community will be required to develop a LAP if necessary and provide a description of outreach efforts prior to Release of Funds. Particular attention will be given to plan details for projects including acquisition, relocation or housing rehabilitation. A sample Language Access Plan has been included in this manual as Attachment 8-6.

[Attachment 8-6: Sample Language Access Plan for LEP](#)

### **Step 4: Documentation of LAP**

If a LAP is required, the LAP will include certifications that Plans have been developed, adopted, and will be implemented for all CDBG funded projects. The Grantee LAP will include an identification of all LEP populations exceeding 1,000 or five percent of total jurisdiction population, whichever is less, the identification of materials to be made available to LEP persons, the means by which the materials will be made available to LEP persons, and the identification of any other translation services which may be necessary. Grantees will be monitored for implementation of their LAP.

## **Section 8.6 Violence Against Women Act (VAWA)**

The Violence Against Women Act (VAWA) Reauthorization of 2022, effective October 1, 2022, includes a new requirement for U.S. Department of Housing and Urban Development (HUD) recipients to support an individual's right to seek law enforcement or emergency assistance. All CDBG grantees are required to report on the existence of laws or policies adopted that impose penalties based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a covered property.

Examples of Laws that violate VAWA are:

- Nuisance property ordinances that include fines for an “excessive” number of calls for emergency or ambulance services and/or incidents of domestic violence.
- Laws that lack exceptions for cases where the resident or tenant is a survivor of domestic violence or another crime, or for calls for emergency assistance by persons with disabilities.
- Laws that do not specify domestic violence as a nuisance but still penalize survivors due to having a broad definition of “nuisance activities” (e.g., disturbing the peace, excessive noise, disorderly conduct, or “excessive” calls to emergency services).
- Laws that require or encourage denial of an applicant with any criminal record, including arrests or misdemeanors.

**ALL** CDBG Grantees must review all ordinances, local regulations, and policies adopted by the local government and currently in effect and certify compliance with the Violence Against Women Reauthorization Act of 2022. If any policies are identified as non-compliant, they must be evaluated and

[Attachment 8-7: VAWA Certification](#)

addressed prior to the first request for CDBG funds. A summary of efforts to evaluate alternative policies that do not impede the Right to Report Crime and Emergencies from One's Home and a timeline for action on one or more alternatives must be submitted.

**The VAWA certification (Attachment 8-7) must be submitted as part of the grant conditions package. Any policies identified as violating VAWA must be resolved and submitted to DOH for review and approval prior to execution of the Grant Agreement.**

## Section 8.7 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 require all grantees of Federal financial assistance to make public accommodations accessible to persons with disabilities including but not limited to making changes in rules and public practices to allow persons with disabilities to participate. To comply with the ADA and Section 504, grantees should have completed an ADA/Section 504 Self-Evaluation and have a procedure in place for project participants to request reasonable accommodations and to file a grievance. In addition, once a Self-Evaluation has been completed, the grantee should create and implement an ADA/Section 504 Transition Plan.

[ADA/Section 504 Transition Plan](#)

## Section 8.8 Applicable Regulation Summary

### Applicable Statutes

- [Drug Free Workplace Act of 1988](#)
- [Title VI of the Civil Rights Act of 1964 and as amended in 1988](#)
- Title VIII of the Civil Rights Act of 1968, as amended, (The Fair Housing Act) [42 U.S.C. 3601–3619](#)
- Title II of the Civil Rights Act of 1968([25 U.S.C. 1301-1303, Indian Civil Rights Act](#))
- [Section 3, Housing and Urban Development Act of 1968](#)
- [Architectural Barriers Act of 1968](#)
- [Title IX of the Education Amendments Act of 1972](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Section 508 of the Rehabilitation Act of 1973](#)
- [Section 109 of Title I of the Housing and Community Development Act of 1974](#)
- [Section 104\(b\)\(2\) of the Housing Community Development Act of 1974](#)
- [Age Discrimination Act of 1975](#)
- [Title II of the Americans with Disabilities Act of 1990](#)
- [Housing for Older Persons Act of 1995 \(HOPA\)](#)
- [Violence Against Women Act, as amended](#)

### **Applicable Executive Orders**

- [Executive Order 11063](#): Equal Opportunity in Housing, November 20, 1962 (State and Entitlement Community Development Block Grant grantees)
- [Executive Order 11246](#): EEO and Affirmative Action Guidelines for Federal Contractors Regarding Race, Color, Gender, Religion, and National Origin, September 25, 1965
- [Executive Order 11375](#): Amending Executive Order No.11246, October 13, 1967
- [Executive Order 12086](#): Consolidation of contract compliance functions for equal employment opportunity, October 5, 1978
- [Executive Order 12892](#): Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, January 17, 1994
- [Executive Order 12898](#): Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994
- [Executive Order 13166](#): Improving Access To Services For Persons With Limited English Proficiency, August 11, 2000
- [Executive Order 13217](#): Community-Based Alternatives for Individuals with Disabilities, June 19, 2001
- [Executive Order 13330](#): Human Service Transportation Coordination, February 24, 2004