# CHAPTER 10
# CIVIL RIGHTS REQUIREMENTS

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# CHAPTER 10
# CIVIL RIGHTS REQUIREMENTS

## 10.0 Introduction

All grantees of Texas Community Development Block Grant funds are required to demonstrate compliance with the Civil Rights requirements of Title I of the Housing and Community Development Act and the Fair Housing Law. These requirements include:

- Taking steps to ensure that equal opportunities are afforded to all persons and that no person shall be excluded or denied program benefits on the basis of race, color, religion, sex, national origin, age.
- Taking steps to provide opportunities, to the greatest extent feasible, to Section 3 residents and business concerns in employment, training, and contracting.
- Taking affirmative steps to assure minority and female-owned businesses are informed of grant funded contracts.
- Prohibiting the use of Excessive Force against individuals engaged in non-violent Civil Rights demonstrations.
- Prohibiting discrimination on the basis of disability.
- Taking steps to Affirmatively Further Fair Housing (AFFH).
- Taking steps to assure meaningful access for persons with "Limited English Proficiency," (LEP).

Grant Recipients must submit to TDA all documentation of having met the requirements in this chapter prior to receiving the first grant payment through a contract with TDA. Generally, policies adopted more than five years prior to the TxCDBG contract start date must be reaffirmed in order to be accepted.

**Comment [SB1]:** Clarified requirement

## 10.1 Civil Rights Procedures

TxCDBG has established policies in order to ensure that Grant Recipients comply with federal equal opportunity and housing regulations referenced earlier. TxCDBG also requires some additional procedures related to encouraging small and minority business participation in CDBG funded contracts.

**Designation of Civil Rights Officer**

**Comment [SB2]:** Expands role of Fair Housing / Equal Opportunity Officer

The Grant Recipient must designate a Civil Rights Officer (CRO). The CRO will be responsible for ensuring all requirements in Chapter 10 of the Implementation Manual are met and all documentation related to compliance with this chapter's requirements is submitted to TDA. Grant Recipient must submit Designation Form for Civil Rights Officer (Form A1008) to TDA before any grant payments are made.

Best Practice: *Grant Recipients are the ultimate responsible entity for the enforcement of the Civil Rights Requirements. Therefore, the CRO should be a local staff member.*

**Preparation of Plans and Policies**

A critical element of civil rights compliance is the preparation of plans and strategies for inclusion of all persons, followed by documentation that the Grant Recipient completed the actions described in the plans. The sections below described the following required plans and/or policies:

- Equal Opportunity
- Section 3
- MBE
- Fair Housing
- Excessive force
- LEP
- Section 504

**Publication of Civil Rights Notices**
The Grant Recipient must publish a notice in a newspaper of general circulation regarding the rights and responsibilities associated with federal grant funding received. The civil rights subjects mentioned above must be included in these publications (see sample).

## 10.1.1 Equal Employment Opportunity (EEO) and Non Discrimination Provisions

Grant Recipients must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the local CDBG activity.

- Grant Recipients shall provide and publish procedures for citizens to lodge complaints and be assured of equitable and prompt response.

- Grant Recipients are required to include applicable equal opportunity provisions and certifications in the bid packets, contracts, and subcontracts. These are included in the Sample Bid Package found in **Chapter 5: Procurement**. A list of guidelines for construction contractors (including subcontractors) regarding equal opportunity is included as **Form A1001**, which should be included in bid packets for TxCDBG contracts. These guidelines should be discussed with the construction contractor during the preconstruction conference.

## 10.1.2 Compliance with Section 3 Requirements

In accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, Grant Recipients using TxCDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the project area.

Although Grant Recipients must comply with the State of Texas statutory requirements on competitive bidding ("lowest and best bid"), the following steps must be taken regarding Section 3 compliance:

1. Prepare & make available to the public a written Section 3 policy (see **Form A1002**);
2. Take affirmative steps to follow its Section 3 Policy and document those efforts; and
3. Include its Section 3 Policy in any packets for contracts on TxCDBG projects. Notify all bidders that adherence to the Section 3 Policy and reporting efforts to comply will be required for contracts and sub-contracts in excess of $100,000.

**Comment [SB3]:** Clarified requirement

**HUD Section 3 Goals**
The following goals apply to TxCDBG contracts [see 24 CFR 135.30 and 24 CFR 570.487(d)]:

a) A goal of 30% of the total number of new hires directly related to the TxCDBG-funded project should be Section 3 residents;
b) A goal of 10% of the total dollar amount of all construction contracts directly related to the TxCDBG-funded project should be awarded to Section 3 business concerns; and

c) A goal of 3% of the total dollar amount of all non-construction contracts directly related to the TxCDBG-funded project should be awarded to Section 3 business concerns.

To verify whether a resident or business qualifies as a Section 3 entity, the Grant Recipient may require the resident or business to complete and sign a Section 3 Business Certification Form or a Section 3 Resident Certification Form.

Grant Recipients must further the Section 3 goals **"to the greatest extent feasible"**; Grant Recipients and their contractors are encouraged to hire Section 3 residents or award contracts to Section 3 businesses whenever such opportunities are "triggered" by the grant.

**Grant Recipient Section 3 Responsibilities**

If ***new*** employment, training, or contracting opportunities are created during the expenditure of TxCDBG funding, the TxCDBG Grant Recipient (and their contractors or subcontractors, as applicable) must take the following actions "to the greatest extent feasible" in addition to compliance with State of Texas competitive bidding requirements and other related requirements:

1) Notify Section 3 Residents and Business Concerns in writing about training and employment opportunities generated by the TxCDBG-funded project;
2) Notify Section 3 Business Concerns in writing about the availability of contracting opportunities generated by the TxCDBG-funded project;
3) Notify potential contractors completing work on Section 3 covered projects of their responsibilities in writing;
4) Incorporate the Section 3 clause (see Appendix K, section 34) into all solicitations and contracts greater than $100,000, as well as all subcontracts of those contracts;
5) Facilitate the training and employment of Section 3 Residents and the awarding of contracts to Section 3 Business Concerns;
6) Obtain Section 3 compliance reports from contractors and subcontractors as required;
7) Refrain from entering into contracts with contractors that are in violation with the Section 3 regulations (if the Grant Recipient has been notified of such violations);
8) Document actions taken to comply with Section 3; and
9) Report Section 3 information as described below.

Requirements 1 and 2 may be satisfied by preparing, making available to the public, and following a Section 3 Policy (see **Form A1002** for a sample plan).

Requirement 3 may be satisfied by including the Grant Recipient's adopted Section 3 Policy in construction related bid packets and requiring bidders to certify as part of the bid response that a Contractor's Section 3 Policy will be submitted if they are awarded the contract (see Appendix K for a sample contractor's plan).

If ***no new*** employment, training, or contracting opportunities are created during the expenditure of TxCDBG funding, the Grant Recipient must still adopt and implement a Section 3 Policy and report Section 3 information as described below to confirm that Section 3 has not been triggered.

**Contractor Section 3 Responsibilities**

If a Grant Recipient executes a contract with a contractor that exceeds $100,000, Section 3 goals and reporting also apply to that contractor (and any subcontractors).

- The contractor must report all new employment, contracting, and training opportunities directly related to the TxCDBG-funded project to the Grant Recipient using **Form A1012** or similar format.

- If a subcontract exceeds $100,000, the subcontractor must report to the prime contractor all new employment, contracting, or training opportunities directly related to the TxCDBG-funded project; the prime must include the subcontractor's information in its report to the Grant Recipient.

**Section 3 Reporting**
The Grant Recipient must report Section 3 compliance in two ways:

- The *Financial Interest Report* (**Form A503**) - indicates each company's status as a Section 3 Business Concern and identifies contracts greater than $100,000 subject to Section 3 requirements.
- The *Section 3 Annual Report* (**Form A1011**) - indicates Section 3 compliance for the calendar year. Contracting and employment opportunities reported on **Form A1011** include:
  - Opportunities created by the Grant Recipient and all contractors or subcontractors with contracts that exceed $100,000; and
  - Persons hired and contracts executed during the **calendar year only** (NOT cumulative); opportunities reported for one year may **not** be repeated for the following year's report).

**Form A1011 must** be submitted as an attachment to:

- The *Quarterly Progress Report* for the 4th quarter of each year the contract is open (no later than January 20th); and
- The *Project Completion Report*.

The Grant Recipient will be considered in compliance with Section 3 requirements, absent evidence to the contrary, if:

- The Grant Recipient reports on the *Section 3 Annual Report* that it has met the minimum numerical goals above, or
- The Grant Recipient provides evidence that an appropriate Section 3 Plan was adopted and implemented, regardless of the actual percentage of employment, training, and contracting opportunities secured by Section 3 Residents or Business Concerns as reported on the *Section 3 Annual Report*. **If the numerical goals were not met, this evidence must include an explanation of the reasons the goals were not met.**

## 10.1.3 Participation by Small, Minority, and Women-Owned Businesses

Grant Recipients are encouraged to affirmatively take action to utilize small (SBE), minority (MBE) and women-owned businesses (WBE) whenever possible. Although Grant Recipients are not directly responsible for meeting a specific minority business participation goal, TxCDBG reports to HUD on the levels of MBE and WBE hiring under all CDBG contracts.
The following suggestions can be used to increase participation of small, minority and women owned-businesses.

- Place qualified small, minority, and women owned firms on solicitation lists. The Texas Facilities Commission (TFC) provides the Historically Underutilized Business (HUB) Directory that includes small businesses that are minority and women-owned. The directory and other information on HUB certification is available on the Texas Comptroller's website.

- Utilize the Minority Business Development Centers (MBDCs) located throughout Texas. The Minority Business Development Agency of the U.S. Department of Commerce funds MBDCs. This network can assist in achieving local and state minority business goals by providing relevant information, management assistance, technical assistance, program outreach and brokerage services to minority firms. A listing of MBDCs can be found on the internet at: http://www.mbda.gov.

- Solicit bids/services from small, minority and women-owned businesses whenever they are potential sources.

- Divide project activities into smaller tasks or services to allow participation by these types of businesses, if economically feasible. Discuss with TxCDBG staff to avoid violation of program rules with respect to small purchase procurement and awards to best, most responsible bid.

- Provide direct bonding assistance to minority business enterprises in order to promote their participation in the CDBG funded projects.

  **Note**: Payment of bond premiums on behalf of such firms is an allowable expenditure that can be paid for with CDBG funds only out of the general administration budget category.

- Provide small, minority and women-owned businesses with information regarding the Small Business Administration (SBA) Surety Bond Guarantee Program. This program opens the bonding system to new, small, or financially marginal disadvantaged construction contractors who are not able to obtain bonding through their own efforts, or find it too costly in the standard market. This applies to contracts of $1.25 million or less. Information on the program and local contact information can be found on the SBA website.

Throughout the contract period, all Grant Recipients are required to submit data on their rates of contracting with Section 3, small, women, and minority owned businesses**.** MBE and Section 3 information is reported on the *Financial Interest Report* **(Form A503)**.

The *Project Completion Report* **(Form A1200)** requires all contracts previously reported to be listed cumulatively with their final contract amounts.

## 10.1.4 Excessive Force Policy

When Grant Recipients sign their contracts they certify that they will pass and enforce the following policies:

- A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and/or
- A policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction. See sample excessive force policy.

## 10.1.5 Section 504 Requirements

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in federally assisted programs on the basis of disability. Section 504 imposes requirements to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds. Grant Recipients must adhere to the following procedures.

**Adoption of Grievance Procedures**

Any Grant Recipient that employs 15 or more employees must adopt grievance procedures that incorporate due process standards and allow for quick and prompt resolution of complaints alleging any action prohibited by Section 504. Grievance procedures are not required to cover either applicants for employment or applicants for housing. See **Form A1004** for sample grievance procedures.

**Notices**

Any Grant Recipient must notify all participants, applicants and employees, unions, or professional organizations holding collective bargaining or professional agreements with the Grant Recipient that

they do not discriminate on the basis of handicap in violation of Section 504. See sample notice in **Form A1005**.

Any such notice must identify the individual designated to coordinate its Section 504 compliance and must state, where appropriate, that the Grant Recipient does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs. Grant Recipients are required to publish this notice in a newspaper of general circulation in their community and have evidence of this publication available for monitoring review (i.e., full-page advertisement or tear sheet with publisher's affidavit).

The notification process can include the posting of notices, publication of notices, and inclusion in other written materials. The notification process must ensure that all individuals, including those with visual and hearing impairments, are aware of the non-discrimination pledge.

Any recruitment or informational material published by a recipient must contain a statement regarding the Grant Recipient's pledge not to discriminate on the basis of disability in violation of 24 CFR Part 8.

**Self-Evaluation**

During the contract period, all Grant Recipients who are required to comply with Section 504 must complete a self-evaluation of their Section 504 compliance and keep it on file for monitoring purposes. Grant Recipients that have completed a self-evaluation for a previous CDBG contract may use their previous self-evaluation forms on file to meet this requirement if all information remains accurate. During the self-evaluation process, the Grant Recipient must consult with individuals with disabilities or organizations representing them. The self-evaluation should include an examination of policies and practices relative to the 504 regulations. Any policies and practices that do not meet the 504 requirements must be modified, and corrective action taken to remedy any discrimination found. A sample Section 504 Self-Evaluation Review Form is included as **Form A1006**.

**Communication**

Grant Recipients should furnish appropriate auxiliary aids where necessary to allow an individual with disabilities an equal opportunity to participate in all CDBG program activities. Grant Recipients should implement procedures that allow individuals with disabilities to obtain information concerning the existence and location of accessible services, activities and facilities. Such procedures must ensure, to the maximum extent possible, that individuals with disabilities receive the benefits and services of the program or activity receiving CDBG assistance. Examples of auxiliary aids include telecommunication devices for the deaf (TDD), the Texas Relay System (where a TDD is not feasible), audio visual presentations, interpreters, large-lettered notices, and posting notices at a level readable by individuals in wheelchairs.

**Using the Texas Relay System**

For telephone communications between hearing persons and TDD users, call these numbers for 24-hour service:

If you have a TDD: 1-800-735-2989

If you do not have a TDD: 1-800-735-2988

**Accessible Facilities**

For all publicly-funded construction, renovation, or modification to buildings or facilities (as defined in Texas Administrative Code Title 16 §68.11) in which construction is expected to cost $50,000 or more, Grant Recipients are required to submit plans and specifications to the Texas Department of Licensing and Regulation (TDLR) for review and approval. TDLR is responsible for ensuring that all plans and specifications meet accessibility requirements in accordance with the Elimination of Architectural Barriers provisions of Chapter 469 of the Texas Government Code. The TDLR clearance requirement is included in the Special Conditions of all TxCDBG contracts that include Public Facilities.

**Employment**
Grant Recipients should not use any practices that unreasonably limit employment opportunities for individuals with disabilities. Grant Recipients must also reasonably accommodate the known needs of employees and applicants with special needs. Examples include retrofitting workstations to accommodate wheelchairs, and providing special computers for hearing and sight challenged workers.

## 10.1.6 Affirmatively Furthering Fair Housing

Grant Recipients must conduct activities during the contract period to affirmatively further fair housing. The Fair Housing Act provides for the protection of the following federally-protected classes:

- Race and color;
- Religion;
- Sex;
- Disability;
- National origin; and
- Familial status.

**Suggested Ideas for Meeting the Fair Housing Activities Requirement**

- Conduct a community-wide housing analysis to determine impediments to fair housing and implement actions to eliminate these impediments.
- If the Grant Recipient is a city, pass a fair housing ordinance. It is important that the ordinance include a penalty clause. Also, publicize the existence of such an ordinance (e.g., newspaper advertisement, or fliers enclosed in utility bills). Grant Recipients should consult with their county/city attorney or contact the applicable trade association (TAC or TML) for a sample fair housing ordinance.
- If the Grant Recipient is a county, adopt written fair housing policies and procedures that are equivalent to a fair housing ordinance and publicize the existence of the policies/procedures (e.g., newspaper advertisement). A sample fair housing policy may be obtained from TxCDBG.
- Sponsor or fund fair housing counseling/referral services for owners and renters.
- Have a written local complaint and monitoring process and notify the public of its existence through newspaper advertisements, or through notices in utility statements.
- Promote housing opportunities outside historically minority and/or low and moderate-income neighborhoods.
- Designate April or any other month as "Fair Housing Month" by proclamation along with another sponsoring activity. See **Form A1007** for a sample proclamation.
- Utilize local businesses and banking institutions to promote fair housing by displaying fair housing posters.
- Announce the Grant Recipient's support of fair housing by means of newspaper advertisements, marquis displays, or public service announcements. See **Form A1009** for a sample public service announcement.
- Conduct free training workshops on fair housing laws to homebuyers, rental property owners, and tenant organizations.
- Sponsor a poster contest or essay writing contest at local schools to educate and promote fair housing.
- Review local zoning laws and procedures to determine whether they contribute to, or detract from, fair housing choice.
- Find ways to inform builders and architects as early as possible in the project design phase, but certainly no later than the issuance of a building permit, of the need to comply with the accessibility requirements of the Fair Housing Act.

**NOTE**: National Fair Housing Month is April of each year. However, Grant Recipients may designate any month as Fair Housing Month at the local level. Designating April as "Fair Housing

Month" by proclamation must be accompanied by sponsoring another activity such as the ones listed in the next box to support fair housing. A sample fair housing proclamation is provided as **Form A1007**.

**Fair Housing Activities Resource**
HUD's Fair Housing Website at http://www.hud.gov/groups/fairhousing.cfm contains a wealth of information and tools for Grant Recipients to use in conducting fair housing activities. Resources on the website include:

- A fair housing planning guide;
- Fair Housing Brochures and logos;
- Fair Housing Best Practices;
- Contact information for fair housing advocacy organizations; and
- Accessibility guidelines for housing units.

TxCDBG recognizes that in order to conduct a fair housing activity the Grant Recipient will incur costs. The Grant Recipient may elect to pay for fair housing activities and count the expenses toward the local match requirement, or submit a reimbursement request for eligible and reasonable costs to be paid by the CDBG grant under the General Administration line item.

### 10.1.7 Limited English Proficiency Standards

**Comment [SB4]:** New Requirement

Each Grant Recipient must take reasonable steps to provide meaningful access to federally funded programs (grants) for all persons with Limited English Proficiency, (LEP). LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of their national origin. To do this, each Grant Recipient must determine the need for LEP services and then provide appropriate language assistance.

Program activities which should be made accessible to LEP persons include:

- Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project;
- Publications regarding environmental reviews, civil rights, and other program requirements;
- Other program documents as needed.

To determine the local need for LEP services, Grant Recipients may use the American Community Survey data through the American FactFinder:

Table: DP02 Selected Social Characteristics in the United States
Subject: Language Spoken at Home
Subcategory: Speak English less than "very well" (for each language)

Grant Recipients must complete **Form A1010** to document compliance with LEP requirements.

## 10.2 Monitoring and Recordkeeping

In monitoring Grant Recipients for Civil Rights compliance, TxCDBG Staff will review four major areas, which include but are not limited to:

1. The beneficiaries of each TxCDBG funded contract.

2. Documentation regarding Affirmatively Furthering Fair Housing, Anti-discrimination, Section 3, Section 504, Limited English Proficiency, Outreach to Historically Underutilized Businesses and protection from the use of Excessive Force activities. Grant Recipients should maintain the following files in the offices of the Recipient and have available for review:

- Beneficiary data by race, ethnicity and gender;
- Any and all handbooks, policies and procedures manuals, and resolutions or ordinances regarding employment;
- Any advertisement for employment and documentation regarding the subsequent applicants and individuals hired. Advertisements should contain the language "equal employment opportunity employer" (or similar);
- An Excessive Force Policy **(Form A1003)**;
- Contractor Certification of Compliance with Section 3 or equivalent;
- Written Section 3 Plan for Grant Recipient and all other parties under contract engineering firms and administration consultant as well as construction contractors **(Form A1002);**
- Correspondence concerning Contractor Equal Opportunity compliance;
- Copies of Financial Interest Reports **(Form A503)** with MBE and Section 3 information;
- Newspaper advertisements of the Notice on Section 504 Compliance Requirements;
- *Section 504 Self-Evaluation Review* **(Form A1006);**
- All records related to fair housing, including monetary expenditures and specific descriptions of the fair housing activities performed; and
- Complaints, if any, and actions taken.

3. The Grant Recipient's personnel policies.

4. The actual personnel practices that are being followed or implemented locally. This includes hiring, advertising for vacancies, employment, promotions, transfers, demotions, and dismissals, as well as a review of any past cases alleging discrimination against the Grant Recipient.

In the event that there has been a determination of discrimination against a Grant Recipient, the Grant Recipient must develop a plan that identifies the effects of past discrimination and specifies actions to overcome the identified effects. A determination of discrimination can be a result of:

- A compliance review conducted by HUD or by TxCDBG.
- A discrimination complaint investigation carried out by the HUD Regional Fair Housing and Equal Opportunity Office (FHEO); or
- An employment discrimination complaint investigation conducted by the Equal Employment Opportunity Commission.

TxCDBG encourages the Grant Recipient to take affirmative action to address self-identified instances of possible discrimination that is indicative of past discrimination. For example, if Grant Recipient employment is not representative of the general population of the jurisdiction, Grant Recipients are encouraged to design a program to affirmatively increase employment, training, and promotion opportunities for members of the affected groups.

**NOTE**: Complaints of employment discrimination should be referred to:
Texas Workforce Commission, Civil Rights Division http://www.texasworkforce.org/
Equal Employment Opportunity Commission http://www.eeoc.gov/

**A1001**

## Equal Opportunity Guidelines for Construction Contractors

***Note: To be included in bid packet and distributed at the preconstruction conference (optional)***

1. **What are the responsibilities of the offeror or bidder to ensure equal employment opportunity?**
   The offeror or bidder must comply with the "Equal Opportunity Clause" and the "Standard Federal Equal Opportunity Construction Contract Specifications."
2. **Are construction contractors required to ensure a legal working environment for all employees?**
   Yes, it is the construction contractor's responsibility to provide an environment free of harassment, intimidation, and coercion to all employees and to notify all foremen and supervisors to carry out this obligation, with specific attention to minority or female individuals.
3. **To alleviate developing separate facilities for men and women on all sites, can a construction contractor place all women employees on one site?**
   No, two or more women should be assigned to each site when possible.
4. **Are construction contractors required to make special outreach efforts to Section 3 or minority and female recruitment sources?**
   Yes, construction contractors must establish a current list of Section 3, minority and female recruitment sources. Notification of employment opportunities, including the availability of on-the-job training and apprenticeship programs, should be given to these sources. The efforts of the construction contractors should be kept in file.
5. **Should records be maintained on the number of Section 3 residents, minority and females applying for positions with construction contractors?**
   Yes, records must be maintained to include a current list of names, addresses and telephone numbers of all Section 3, minority and female applicants. The documentation should also include the results of the applications submitted.
6. **What happens if a woman or minority is sent to the union by the Contractor and is not referred back to the Contractor for employment?**
   If the unions impede the construction contractor's responsibility to provide equal employment opportunity, a written notice should be submitted to TDA.
7. **What efforts are made by construction contractors to create entry-level positions for Section 3 residents, women and minorities?**
   Construction contractors are required to develop on-the-job training programs, or participate in training programs, especially those funded by the Department of Labor, to create positions for Section 3 residents, women and minorities and to meet employment needs.
8. **Are any efforts made by the Contractor to publicize their Equal Employment Opportunity (EEO) policy?**
   Yes, the construction contractor is responsible for notifying unions and sources of training programs of their equal employment opportunity policy. Unions should be requested to cooperate in the effort of equal opportunity. The policy should be included in any appropriate manuals, or collective bargaining agreements. The construction contractor is encouraged to publicize the equal employment opportunity policy in the company newspaper and annual report. The Contractor is also responsible to include the EEO policy in all media advertisement.
9. **Are any in-service training programs provided for staff to update the EEO policy?**
   At least annually a review of the EEO policy and the affirmative action obligations are required of all personnel employees of a decision-making status. A record of the meeting including date, time,

location, persons present, subject matter discussed, and disposition of the subject matter should be maintained.

10. **What recruitment efforts are made for Section 3 residents, minorities and women?**
    The construction contractor must notify, both orally and in writing, Section 3, minority and female recruitment sources one month prior to the date of acceptance for apprenticeship or other training programs.
11. **Are any measures taken to encourage promotions for minorities and women?**
    Yes, an annual evaluation should be conducted for all minority and female personnel to encourage these employees to seek higher positions.
12. **What efforts are taken to insure that personnel policies are in accordance with the EEO policy?**
    Personnel policies in regard to job practices, work assignments, etc. should be continually monitored to insure that the EEO policy is carried out.
13. **Can women be excluded from utilizing any facilities available to men?**
    No, all facilities and company activities are non-segregated except for bathrooms or changing facilities to ensure privacy.
14. **What efforts are made to utilize minority and female contractors and suppliers?**
    None, however records are kept of all offers to minority and female construction contractors.
15. **If a construction contractor participates in a business related association that does not comply with affirmative action standards, does that show his/her failure to comply?**
    No, the construction contractor is responsible for its own compliance.
16. **Will a construction contractor be in violation of EEO policy and affirmative action if he sets up one set of goals to include minorities and women?**
    Yes. There is a separate goal for minorities and a separate single goal for women. The construction contractor is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women both minority and non-minority.
17. **Can a construction contractor hire a subcontractor who has been debarred from government contracts pursuant to EEO?**
    No. The construction contractor must suspend, terminate or cancel its contract with any Subcontractor who is in violation of the EEO policy.
18. **What effort has been taken by the construction contractor to monitor all employment to insure the company EEO policy is being carried out?**
    The construction contractor must designate a responsible individual to keep accurate records of all employees that includes specific information required by the government.

**A1002**

## Sample Section 3 Policy

In accordance with 12 U.S.C. 1701u the *(name of Grant Recipient)* agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.

B. Assign duties related to implementation of this plan to the designated Equal Rights Officer.

C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.

D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.

E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.

F. Require that all Prime contractors and subcontractors with contracts over $100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.

G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.

H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of (*name of Grant Recipient),* we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

| _____ | _____ | _____ |
|---|---|---|
| Signature | Title | Date |

**A1003**

## Sample Excessive Force Policy

## Resolution No. _____
## Excessive Force Resolution

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof: In the following city of _____, County of _____, State of Texas, as follows:

**ARTICLE I**

It is the policy of the _____ to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The city/county also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

**ARTICLE II**

It is the policy of the city/county to enforce this policy to the full extent allowed by law.

Passed and adopted by the City Council/Commissioners' Court of _____, State of Texas, on the _____ day of _____, 20__.

_____
Mayor/Judge

Attest:

_____

**A1004**

## Sample Section 504 Grievance Procedure

The City/County of _____ has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban Development regulations (24 CFR 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794)). Section 504 states, in part that, "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to: **[insert 504 coordinator's name, title, address and work phone],** who has been designated to coordinate Section 504 compliance efforts.

A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **[name of 504 coordinator].** Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **[504 coordinator's name],** and a copy forwarded to the complainant no later than ten (10) working days after its filing.

The Section 504 coordinator shall maintain the files and records of the City/ County of _____ relating to the complaints files.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten working days to the City/County of _____.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City/County of _____ complies with Section 504 and HUD regulations.

**A1005**

## Sample Notices of Non-discrimination

### Notice #1 *(required)*

***Note: Grant Recipients are required to publish this notice in a newspaper of general circulation in their community.***

### Policy of Nondiscrimination on the Basis of Disability Status

The City/County of  does not discriminate on the basis of disability in the admission or access to, or employment in, its program or activities. [504 Officer's name] has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8. dated June 2, 1988).

### Notice #2 (required)

### Equal Employment Opportunity Statement

The City/County of _____ does not discriminate on the basis of color, national origin, sex, religion, age or disability in employment or the provision of services.

*The City of _____ has adopted complaint and grievance procedures regarding its Texas Community Development Block Grant Programs. These procedures outline the steps for a citizen to follow if s/he wishes to file a written complaint about proposed TxCDBG activities. The City will make every effort to respond fully to such complaints within ten (10) working days. Citizens may obtain a copy of these written procedures at the City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Citizens may also request the procedures be mailed to them by calling [504 Officer's name and title], at _____.

### Notice #3 *(optional)*

### Policy of Nondiscrimination on the Basis of Disability

The _____ does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

(Name) _____
(Address) _____
_____
City State Zip
Telephone Number ( ) _____ - _____ Voice
( ) _____ - _____ TDD

**A1006**

# Section 504 Self-Evaluation Form

**Grant Recipient:**_____**TxCDBG Contract No:**_____

**Brief Description of Project:** _____

_____

_____

_____

1.Identify individual(s) responsible for collecting information for the Section 504 Self-Evaluation Review.

_____

_____

_____

2.Identify the individual(s) with disabilities and/or organizations (representing persons with disabilities) that were consulted for the self-evaluation review. Describe how they participated in the self-evaluation review

_____

_____

_____

3.Describe Section 504 nondiscrimination notification procedures (example: newspaper advertisements, utility inserts, flyers, postings at public facilities).

_____

_____

_____

4.List policies that may limit participation of individuals with disabilities in Contractor programs, projects, and activities.

1)_____

2)_____

3)_____

4)_____

5.Identify and list public facilities that limit accessibility.

1)_____

2)_____

3)_____

4)_____

5)_____

6. Describe contractor in-house procedures for circulating information on Section 504 and procedures for staff training on Section 504.

_____

_____

_____

7. Identify Section 504 contractor complaint procedures.

1)_____

2)_____

3)_____

4)_____

5)_____

8. Describe Contractor's efforts to ensure compliance of Section 504 by third party contractors (Construction Contractors, Engineers, Administrators etc.).

_____

_____

_____

9. Describe Contractor's efforts to make documents and publications available to individuals with special needs (examples: large print, audio tape, Braille, computer disks).

_____

_____

_____

10. List special information services that are available (examples: telephone listening devices, information sheet on TDD Relay Texas Service Center for the deaf, interpreters, readers, listening devices, audio visual presentations, automated electronic devices, assistive listening devices, documents in Braille etc.).

_____

_____

_____

11. List emergency evacuation procedures.

1)_____

2)_____

3)_____

4)_____

5)_____

**A1007**

## Sample Fair Housing Month Proclamation
## Proclamation of April as Fair Housing Month

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the *City Council/Commissioner's Court* of _____, do proclaim April as Fair Housing Month in the *City/County* of _____and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF we have affixed our signatures and seal on this the _____day of April 20__.

_____

Title: _____

Witness:

_____

Title: _____

**A1008**

# Designation Form for Civil Rights Officer

City/County: _____ TxCDBG Contract #_____

Address: _____

_____

_____

Telephone Number: _____

**********

I, _____, do hereby appoint_____,

*(Chief Elected Official) (Name and Title)*

as the Civil Rights Officer for the City/County of _____.

The Civil Rights Officer shall be responsible for the oversight and compliance of fair housing and equal opportunity activities to be performed by the City/County of _____, as required by the Texas Community Development Block Grant Program Contract No._____.

The Civil Rights Officer is responsible for being familiar with and adhering to all civil rights laws and regulations pertaining to the Texas Community Development Block Grant Program, including those described in the TxCDBG Implementation Manual and those listed in Exhibit E of the TxCDBG contract.

Civil Rights Officer:_____

*(Signature)*

Appointed by:_____ Date: _____

*(Signature)*

**A1009**

## Sample Fair Housing Public Service Announcement
## Public Service Announcement:
## Fair Housing, It's the Law

To promote fair housing practices, the City/County of _____ encourages potential homeowners and renters to be aware of their rights under the National Fair Housing Law.

Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination against any person on the basis of race, color, religion, sex, disability, familial status or national origin in the sale or rental of units in the housing market.

For more information on fair housing or to report possible fair housing discrimination, call the U.S. Department of Housing and Urban Development's toll-free hotline at 1-800-669-9777.

**A1010**

## Limited English Proficiency Plan

| | |
|---|---|
| Grant Recipient: | |
| Total Population: | |
| Population with Limited English Proficiency: | |
| Languages spoken by more than 5% of population per ACS: | |

**Resources available to Grant Recipient:**

- ☐ Translation services: _____
  _____
- ☐ Interpreter services: _____
  _____
- ☐ Other resources: _____
  _____

**Language Assistance to be provided:**

- ☐ Translation (oral and/or written) of advertised notices and vital documents for:
  _____
- ☐ Referrals to community liaisons proficient in the language of LEP persons
  _____
- ☐ Public meetings conducted in multiple languages:
  _____
- ☐ Notices to recipients of the availability of LEP services:
  _____
- ☐ Other services:
  _____