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CHAPTER 1. AUTHORITY, GENERAL FEATURES AND  
PURPOSE OF VOLUNTARY COMPLIANCE

- 1-1. INTRODUCTION. Title VIII of the Civil Rights Act of 1968 established that "It is the policy of the United States, to provide, within constitutional limitations, for fair housing throughout the United States." In 1974, the scope of Title VIII, which originally prohibited discrimination in housing based on race, color, religion or national origin, was extended, through the Housing and Community Development Act, to include sex. Although "fair housing" is not defined in the act, since 1968 it has become clear that, apart from the statutory prohibition against housing discrimination, "fair housing" at the very least means "equal housing opportunity." That concept is defined in HUD's Affirmative Fair Housing Marketing Regulations (40 FR 53008, 11/14/75) as " ...a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex or national origin." Moreover, all executive departments and agencies are charged by Title VIII to "administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of the Title..."
- 1-2. AUTHORITY. Section 809 of Title VIII states: "Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and enforcement..." Congress recognized, in its inclusion of Section 809, the importance of voluntary action. To effectuate its mandate to work out programs of voluntary compliance, HUD established an Office of Voluntary Compliance (OVC) within the Office of Fair Housing and Equal Opportunity (FHEO). Its charge,--to extend the range of equal opportunity activities beyond the area of law enforcement by promoting institutional change designed to secure voluntary compliance with the spirit of the law and its policy of fair housing.

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- 1-3. GENERAL FEATURES. There are a broad range of activities that may properly be related to voluntary compliance, including

conferences, seminars and advertising programs that promote equal treatment in housing and employment. Community planning and funding processes, and HUD research and demonstration projects may be used to promote it. Other Federal agencies and private industry can ensure that equal housing opportunity is a consideration in their business practices and operations. Excellent vehicles for achieving equal housing opportunity are voluntary areawide affirmative marketing plans and agreements. Properly implemented, they vastly extend the impact of Federal affirmative fair housing policy beyond HUD-assisted housing to the conventional market in major housing areas.

1-4. PURPOSE.

- a. This Handbook provides the background and authority for voluntary compliance activities, describes various kinds of voluntary plans and agreements that have been developed to promote HUD's equal opportunity goals, and specifies the procedure to be used in monitoring, evaluating, and reporting on these different kinds of voluntary instruments.
- b. Three equal opportunity goals variously animate HUD's voluntary compliance activities:
  - (1) Expanding housing options for minorities and women by working for a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them.
  - (2) Providing equal treatment in the delivery of HUD program benefits.
  - (3) Expanding jobs, training and business opportunities for minorities and women.

1-5. PROGRAM POLICY.

- a. There is a two-fold policy approach to HUD's voluntary compliance programs: (1) Cooperation and assistance in aiding persons, firms, agencies, and municipalities to comply voluntarily with the provisions of the Federal Fair Housing Law and HUD equal opportunity requirements; and (2) Encouragement of these same parties to exceed the level of formal requirements by affirmatively working for a condition in which all persons are enabled to live where they wish within their economic capability.

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- b. In carrying out their program responsibilities, Fair housing

and Equal Opportunity and program staff should work cooperatively to correct the effects of past discrimination. Programs developed must contain safeguards to deter future discrimination, and be results oriented so that progress toward the goal of increasing housing opportunities for minorities and women can be evaluated.

- 1-6. GENERAL OFFICE RESPONSIBILITIES. The Secretary of Housing and Urban Development, under Title VIII of the Civil Rights Act of 1968, is responsible for administering voluntary compliance activities. This responsibility has been delegated to the Assistant Secretary for Fair Housing and Equal Opportunity (A/S FHEO).
- a. Assistant Secretary for Fair Housing and Equal Opportunity. The Assistant Secretary for Fair Housing and Equal Opportunity is responsible for the development and implementation of activities aimed at achieving the goals and objectives of the entire equal opportunity program, pursuant to the statutes, executive orders, and priorities of the Administration.
  - b. Office of Voluntary Compliance. The Voluntary Compliance responsibilities of the Assistant Secretary have been assigned to a Director of Voluntary Compliance. The Office of Voluntary Compliance (OVC), composed of a Division of Housing and Community Development and a Division of Manpower and Business Development, has the following duties:
    - (1) Develop program guidelines for voluntary compliance projects to be implemented by Field Offices.
    - (2) Provide technical assistance to and undertake special projects with national organizations, other Federal agencies, State and local units of governments, and HUD Field Offices.
    - (3) Develop educational materials, publications and training relating to voluntary compliance in the areas of housing, community development, employment, and business opportunities for minorities and women.

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- (4) Assist, through an OVC staffed Federal Equal Housing Opportunity Council, other Federal agencies in meeting their requirements under Executive Order 11063 and Title VIII to deter housing discrimination

and to affirmatively promote fair housing and equal opportunity for their employees and program beneficiaries.

- c. Program Assistant Secretaries shall ensure that their staffs become knowledgeable of, and assist in implementing, equal opportunity voluntary compliance programs.
- d. Regional Administrators are responsible to the Secretary for assuring that all Departmental policies, procedures, and activities within their Regions promote equal opportunity for all persons.
- e. Directors, Office of Regional Fair Housing and Equal Opportunity are responsible to Regional Administrators for conducting voluntary compliance activities in their Regions. Regional voluntary compliance programs should be systematically planned, carefully administered, and capable of meaningful evaluation. Programs should not represent a closet of miscellaneous activities carried out on an ad hoc basis.
- f. Area Managers are directly responsible to Regional Administrators for administering equal opportunity voluntary compliance activities. The Director for Fair Housing and Equal Opportunity is the principal advisor to the Area Manager in all matters relating to equal opportunity and civil rights, and works under his/her direct supervision. In connection with voluntary compliance activities, FHEO Directors:
  - (1) provide technical assistance to real estate boards, apartment house associations, mortgage lenders, builder groups, fair housing groups, women's groups; and community and civil rights organizations;
  - (2) undertake fair housing projects with local agencies, organizations and industry groups;
  - (3) provide support in the development of voluntary areawide affirmative marketing plans and in the execution of voluntary agreements; and
  - (4) monitor and evaluate plans and agreements.