

CDBG Fair Housing and Non-discrimination

Trainer Guide

[Notes to the Trainer are in italics.]

Welcome & Introductions: Welcome to the Fair Housing and Non-discrimination workshop. *Participants give their names, their positions and, if there are multiple agencies present, the agency and whether they represent an entitlement or a State CDBG grantee/subrecipient.*

Purpose of the workshop:

To ensure that each participant:

- Is familiar with the relevant Federal fair housing and non-discrimination statutes, Executive Orders, and regulations;
- Understands the administration and enforcement of fair housing requirements;
- Understands the difference between non-discrimination and affirmatively furthering fair housing; and
- Knows where to get additional information or clarification of questions that may arise.

Ground Rules: Please –

- Turn off all cell phones and pagers or set them on vibrate.
- Step outside the training room to answer calls.
- Do not smoke in the training room. There will be breaks when you can smoke.
- Questions are fine at any time, but please keep them to the topic being discussed.

Entitlement vs. State CDBG: Summarize the differences in the applicability of Fair Housing guidance to the two programs. *[When discussing the State program, be careful to distinguish between the terms “State Grantee” and “State’s Grantee” (i.e., a unit of general local government)].*

● **Applicable Statutes**

- **Title VI of the Civil Rights Act of 1964 and as amended in 1988.** Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Note that the prohibition against discrimination on the basis of national origin protects legal immigrants from discrimination, whether they are English speakers or not.

- **Fair Housing Act (42 U.S.C. 3601-3619).** Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.
 - HUD’s role in administering the Fair Housing Act
 - What is prohibited
 - Protections for persons with disabilities
 - Requirements for new buildings
- **Architectural Barriers Act of 1968.** The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by persons with disabilities.
 - Accessibility requirements
 - Covered buildings must be usable by people with mobility impairments, including wheelchair users
- **Title IX of the Education Amendments Act of 1972.** Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

- **Section 504 of the Rehabilitation Act of 1973.** Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance. This coverage extends to all aspects of program administration and implementation.
 - Obligations of HUD recipients
 - Overview of relevant regulatory provisions
 - Definitions of Individual with disability and Qualified Individual with Disability
 - Steps to ensure compliance

- **Section 508 of the Rehabilitation Act of 1973.** Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals.
 - The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology.
 - Agencies must give disabled employees and members of the public access to information that is comparable to the access available to others

- **Section 109 of Title I of the Housing and Community Development Act of 1974.** Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant Program.

- **Section 104(b)(2) of the Housing Community Development Act of 1974.** Section 104(b)(2) of the Housing and Community Development Act of 1974 (HCD Act), as amended, (42 U.S.C. 5304), the governing statute for the CDBG program, requires that each grantee certify to HUD's satisfaction that (1) the grant will be conducted and administered in conformity with the Fair Housing Act (42 U.S.C. 3601-20) and (2) the grantee will affirmatively further fair housing.

- **Title II of the Americans with Disabilities Act of 1990.** Title II of the Americans with Disabilities Act prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. These provisions are the same as those in Section 504, except they apply to all programs and activities not just those funded with Federal financial assistance. HUD enforces Title II when it relates to state and

local public housing, housing assistance and housing referrals, where it covers non-housing facilities.

- **Housing for Older Persons Act of 1995.** HOPA makes several changes to the 55 and older exemption. Since the 1988 Amendments, the Fair Housing Act has exempted from its familial status provisions properties that satisfy the Act's 55 and older housing condition.
 - First, it eliminates the requirement that 55 and older housing have "significant facilities and services" designed for the elderly.
 - Second, HOPA establishes a "good faith reliance" immunity from damages for persons who in good faith believe that the 55 and older exemption applies to a particular property, if they do not actually know that the property is not eligible for the exemption and if the property has formally stated in writing that it qualifies for the exemption. HOPA retains the requirement that senior housing must have one person who is 55 years of age or older living in at least 80 percent of its occupied units. It also still requires that senior housing publish and follow policies and procedures that demonstrate intent to be housing for persons 55 and older. An exempt property will not violate the Fair Housing Act if it includes families with children, but it does not have to do so. Of course, the property must meet the Act's requirements that at least 80 percent of its occupied units have at least one occupant who is 55 or older, and that it publish and follow policies and procedures that demonstrate an intent to be 55 and older housing.
 - A Department of Housing and Urban Development rule published in the April 2, 1999, Federal Register implements the Housing for Older Persons Act of 1995, and explains in detail those provisions of the Fair Housing Act that pertain to senior housing.

● **Applicable Executive Orders**

- **Executive Order 11063: Equal Opportunity in Housing, 11/20/1962** (State grantees and Entitlement grantees). Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.
 - Even before Title VI of the Civil Rights Act of 1964, discrimination was prohibited by this Executive Order. The Executive Order specifically prohibited discrimination in the sale, rental or disposition

of housing by the Federal government directly or through grant and loan programs funded by the Federal government. In addition, it prohibited discrimination by lending institutions and in development and redevelopment activities. Lastly, the Executive Order included enforcement provisions.

- **Executive Order 12892: Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, 1/17/1994.** Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.
- **Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 2/11/1994.** Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.
- **Executive Order 13166: Improving Access to Services For Persons With Limited English Proficiency, 8/11/2000.** Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

Note: In federally assisted housing programs, the safe harbor standard is to require translation of materials for any group with language proficiency other than English if the group represents the lower of 1000 persons or five percent of the eligible population.

- **Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities, 6/19/2001.** Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

Note: An example of this Order is the “money follows the person” initiative, under which an individual with disabilities living in an institution can receive a voucher to move to an apartment where services will “follow” the individual, enabling him/her to be successful.

- **Executive Order 13330: Human Service Transportation Coordination, 2/24/2004.** Executive Order 13330 seeks to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged. It established the Interagency Transportation Coordination Council.

- **What is non-discrimination?**

CDBG grantees are responsible for ensuring that all housing assisted with CDBG funds is made available on a non-discriminatory basis, without regard to race, color, religion, sex, disability, familial status, age, or national origin. *[Note that **age** is not one of the seven “protected” classes. Also note that some localities and states extend protections to other classes. May need to clarify race vs. color.]*

Discriminatory housing practices might include any action in which an individual or class of individuals in a specific protected class is treated differently than others who are not in that protected class, when the result of that action denies that individual or class of individuals equal access to or benefit of a housing opportunity. *Note that specific actions may be required to create equal program access for people with disabilities.*

Discriminatory practices include:

- Discrimination in the sale or rental of a dwelling
- Discriminatory conduct by members of the real estate industry
- Discriminatory advertisements, statements, and notices
- Engaging in blockbusting practices
- Discrimination in the provision of brokerage services
- Discrimination in residential real estate-related transactions
- Retaliation and association

[Provide examples here of “legal” discrimination – i.e., hiring someone for a job who has better qualifications or educational background, etc.]

Affirmative marketing

- Requirements
- Elements of affirmative marketing procedures
 - Identifying the demographic characteristics of eligible families in the locality;

- Reviewing the demographic characteristics of families currently housed and those on the waiting lists for housing;
 - Designing an outreach program to those “least likely to apply” for housing;
 - Enacting targeted outreach to the group(s) least likely to apply when waiting lists are opened.
- Affirmative marketing for special needs housing
 - People with disabilities are the lowest income group in the United States;
 - Many people with disabilities are unaware of their housing rights;
 - A good way to reach people with disabilities is to keep their advocacy organizations informed of housing opportunities (e.g. the ARC, Centers for Independent Living, Lighthouse for the Blind, etc.)

● **What is affirmatively furthering fair housing?**

The idea of "affirmatively furthering fair housing" is rooted in the Fair Housing Act of 1968. CDBG and Consolidated Plan regulations implement the law. The obligation to "affirmatively further fair housing" applies to all housing and housing-related activities in a jurisdiction -- whether publicly or privately funded.

- **"Affirmatively Furthering Fair Housing" is defined in the regulations as:**
 1. Having an Analysis of Impediments, an "AI", to fair housing choice;
 2. Taking appropriate actions to overcome the effects of impediments; and,
 3. Keeping records reflecting the analysis and showing the actions taken.

Relevant regulations:

- [24CFR570.601(a)(2)], CDBG entitlement jurisdiction regulations
- [24CFR487(b)], CDBG states and small cities regulations
- [24CFR91.225(a)(1)], ConPlan regulations for entitlement jurisdictions
- [24CFR91.325(a)(1)], ConPlan regulations for states and small cities

- Analysis of Impediments
 - Preparing the Analysis of Impediments
 - When must the AI be prepared?
 - Who should undertake the AI?
 - What is included in the AI?
 - What kind of process should the jurisdiction undertake?
 - Elements of the Analysis of Impediments must review the following:
 - Demographic data regarding the jurisdiction's population and housing
 - Availability of housing stock for residents with disabilities
 - Findings resulting from complaints and fair housing litigation in the jurisdiction
 - Results of any fair housing testing activity in the jurisdiction, if available
 - Efforts to assist and serve persons with limited proficiency in the English language

[NOTE: In the State CDBG program, Analysis of Impediments is a state responsibility. Localities are not required to do AI, but all must undertake activities to Affirmatively Further Fair Housing. In the Entitlement CDBG program, Entitlement cities are responsible for conducting AI.]

- Taking Action to Overcome the Effects of Impediments
 - Develop a plan of action with a defined fair housing objective that specifies:
 - what actions will be taken to overcome the impediments identified;
 - what resources are available to undertake each activity;
 - who will undertake each activity; and
 - the timeframe for each action.
- Common Impediments to Fair Housing and Appropriate Actions
 - Common Impediments
 - Discrimination against families with children;

- Discrimination against persons with disabilities;
- Insufficient multi-lingual marketing efforts targeted to those with limited English proficiency;
- Zoning and land use policies that permit only middle income to high income housing development;
- Geographic concentration of racial and ethnic minorities;
- Geographic concentration of low- and very low-income persons;
- Appropriate Actions
 - Select sites (or provide an incentive for developers to select sites) for affordable housing that increase opportunities outside existing areas of minority and ethnic concentration;
 - Use Federal funds for affordable housing to increase the supply of accessible units and large rental units for families with children;
 - Adopt design standards that embrace the principles of universal design and visitability.

● Applicable Regulations

- **24 CFR Part 1: Nondiscrimination in Federally Assisted Programs of HUD.** Implementing regulations for Title VI of the Civil Rights Act of 1964.
- **24 CFR Part 3: Nondiscrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance.** Implementing regulations for Title IX of the Education Amendments Act of 1972.
- **24 CFR Part 8: Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development.** Implementing regulations for Section 504 of the Rehabilitation Act of 1973. These regulations obligate recipients of funding to make their programs accessible to persons with disabilities. The regulations also establish physical accessibility requirements when Federal financial assistance is used for new construction or rehabilitation of housing.
- **24 CFR Parts 91.225 (a)(1): Affirmatively Furthering Fair Housing (CDBG Entitlement grantees).** Each jurisdiction must certify that it will affirmatively further fair housing, including conducting an analysis of

impediments to fair housing choice, taking appropriate actions, and maintaining records.

- **24 CFR Part 91.325 (a)(1): Affirmatively Furthering Fair Housing (CDBG states and small cities grantees).** Each State must certify that it will affirmatively further fair housing, including conducting an analysis of impediments to fair housing choice, taking appropriate actions, and maintaining records.
- **24 CFR 570.487(b): Affirmatively Furthering Fair Housing (CDBG states and small cities grantees).** Requires the state and each local government to certify that it will affirmatively further fair housing. The state is required to assume responsibility by: conducting an analysis to identify impediments to housing choice; taking appropriate actions to overcome the effects of the impediments; maintaining records of analysis and actions; and ensuring that units of local government funded by the state comply with the certification requirements.
- **24 CFR 570.601: Fair Housing (CDBG Entitlement grantees).** The following apply: Title VI of the Civil Rights Act of 1964 (and implementing regulations at 24 CFR part 1); Housing and Community Development Act (including section 104(b)(2)); and Executive Order 11063, as amended by 12259 (with implementing regulations in 24 CFR part 107.
- **24 CFR Parts 100-125: Fair Housing.**
 - 100: Discriminatory conduct under the Fair Housing Act
 - 103: Fair Housing Complaint processing
 - 107: Nondiscrimination and equal opportunity in housing under EO 11063
 - 108: Compliance procedures for affirmative fair housing marketing
 - 110: Fair housing poster
 - 115: Certification and funding of State and local fair housing enforcement agencies
 - 121: Collection of data
 - 125: Fair housing initiatives program
- **24 CFR 570.206(c): Fair Housing Activities.** CDBG Program Administrative Costs include the provision of fair housing services designed to further the objectives of the Fair Housing Act, including enforcement and other activities designed to further the objective of

avoiding concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.

- **24 CFR 570.602: HCDA Section 109 nondiscrimination (Entitlement grantees)**
- **24 CFR 570.495(b): HCDA Section 109 nondiscrimination (State grantees).** HUD enforcement practices.
- **24 CFR 570.904: Equal Opportunity and Fair Housing Review Criteria (Entitlement grantees)**
 - General review criteria
 - Review for equal employment opportunity
 - Review for equal opportunity in services, benefits, and participation
 - Fair housing review criteria
 - Actions to use minority and women's business firms
- **24 CFR Part 91.325(b)(5): Compliance with Anti-discrimination laws.**
A certification that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and implementing regulations.
- **24 CFR 570.912: Nondiscrimination compliance**
 - Steps to address non-compliance
- **24 CFR 570.490(a)(b): Recordkeeping requirements**
- **24 CFR 570.506(g): Fair Housing and equal opportunity records. Each recipient shall establish and maintain records that include:**
 - Documentation of analysis of impediments and actions carried out
 - Data on participation in CDBG funded programs or activities, by racial and ethnic group, and single head of households
 - Data on employment in each of the recipients operating units funded in whole or in part with CDBG funds
 - Race and ethnicity data of households displaced as a result of CDBG-funded activities
 - Documentation of actions undertaken to meet the requirements of the Section 3 program

- Race/ethnicity data for each business receiving a contract or subcontract of \$25,000 or more from CDBG funds, including documentation of affirmative steps to promote minority business and women's business enterprise
 - Documentation of affirmative action measures taken to overcome prior discrimination
- **24 CFR 570.614: Architectural Barriers Act (ABA) and Americans with Disabilities Act (ADA) (Entitlement grantees)**
 - ABA requires certain Federal and Federally-funded facilities and buildings to be designed, constructed or altered in accordance with standards that ensure accessibility to and use by physically handicapped people
 - Under ADA, discrimination includes failure to design and construct facilities for first occupancy no later than January 26, 1993 that are readily accessible to and used by persons with disabilities. Also requires the removal of architectural and communication barriers that are structural in nature, when feasible.
- **24 CFR 570.487(e): ABA and ADA (State grantees).**
 - ABA requires certain Federal and Federally-funded facilities and buildings to be designed, constructed or altered in accordance with standards that ensure accessibility to and use by physically handicapped people.
- **24 CFR 570.608 and Part 35: Lead-Based Paint** [*Note: this is not on the PPT Slides*]
 - Children under age 6 are particularly susceptible to hazards from lead based paint. Owners of units where lead paint has been controlled can affirmatively market those units to families with children. If a unit has not undergone lead hazard control treatments, a family with children may choose to live in the unit, if the housing provider advises the family of the condition of the unit. A family cannot be forced to permanently move from a unit if the family declines treatment of lead hazards, although the housing provider can offer incentives for the move.
- **HUD Notices**
 - **CPD-05-03 (issued June 6, 2005).** Implementing the New Freedom Initiative and Involving Persons with Disabilities in the Preparation of the

Consolidated Plan through Citizen Participation. *[Note: update to CPD-05-03 is in progress, but not yet issued or posted on CPD website.]*

- **CPD-05-09 (issued November 3, 2005).** Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program
- **CPD-05-10 (issued November 3, 2005).** Accessibility for Persons with Disabilities to Non-Housing Programs funded by Community Development Block Grant Funds – Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Architectural Barriers Act

● **Top Seven Keys to Affirmatively Further Fair Housing**

Refer to “Top Seven” list in the training materials, but do not go into detail since it has been addressed in the training.

● **Solving the Case Study – Fair Housing**

Group the participants by table (between 6-10 per table) and provide the case study on Fair Housing. Give each table or group about 15 minutes to discuss the case study and the three questions. Let each table present their responses, then distribute the solution to the case study. Review the solution for any items that were not addressed by the various groups.

[Note: Focus the case study discussion on the selective enforcement of the ordinance, not what was discriminatory about the ordinance.]

1. Was there any issue with the additional policy on relationships? If so, what is the issue?

The new policy on relationships created many issues for Mid-City. The policy was not practical because it would prohibit two students from sharing a two bedroom apartment; three teachers from sharing a four bedroom house; the daughter of a person’s best friend staying in Mid-City for the summer; or four legal immigrants sharing a four bedroom house.

Equal enforcement of the policy was going to be impossible and, as Mid-City found out, it unfairly targeted the immigrant families.

2. What action(s) can the city take to address issues related to overcrowding and safety that are not discriminatory in nature?

Perhaps the most important step Mid-City can take it to ensure that the occupancy standards are clear and that the policy provides the public and those responsible for enforcement with sufficient guidance that will help to ensure equal enforcement of the standards.

Second, if there are additional safety issues that must be address besides overcrowding of the units, the issues should be described in detail and a solution should be sought. For example, if street parking is creating a difficulty for emergency vehicle access, Mid-City could consider parking on one side of the street only. However, the parking restrictions will have to be implemented in all parts of the city where access is an issue.

If trash is becoming an issue in some neighborhoods, the city should ensure that it is enforcing the code relating to trash. Again, it is imperative, however, that the code is enforced evenly throughout the city and that owners understand the requirements. City-supplied trash receptacles should be placed strategically throughout the city and they should be emptied frequently, to ensure that they do not run over.

● **Key HUD Documents**

- Handbook 6509.2, Rev-5: Community Planning and Development Monitoring Handbook – Chapter 22: Fair Housing and Equal Opportunity
- Fair Housing: Equal Opportunity for All (available in multiple languages)
- Fair Housing Act Design Manual (Revised April 1998)
- Fair Housing Planning Guide, Volume 1 (March 1996)
- Joint letter on Analysis of Impediments to Fair Housing Choice (August 4, 2004)
- Occupancy Standards – Keating Memorandum (March 1991)
- Guidelines for FHEO Implementation of HUD Policy on Race and Ethnicity Data (November 2002)

● **Recordkeeping**

- Documentation of analysis of impediments and actions
- Data on participation in CDBG funded programs or activities, by racial and ethnic group, and single head of households
- Data on employment in each of the recipients operating units funded in whole or in part with CDBG funds

- Race and ethnicity data of households displaced as a result of CDBG-funded activities
- Documentation of actions undertaken to meet the requirements of the Section 3 program
- Race/ethnicity data for each business receiving a contract or subcontract of \$25,000 or more from CDBG funds
- Documentation of affirmative action measures taken to overcome prior discrimination
- Documentation of Limited English Proficiency efforts

● **Limited English Proficiency**

- On August 11, 2000, Executive Order 13166, titled, "Improving Access to Services by Persons with Limited English Proficiency", was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to...federally conducted programs and activities by eligible LEP persons... Once finalized, such plans are to be filed with the Department of Justice as the central repository of agencies' plans." In compliance with Section 2 of Executive Order 13166, this Implementation Plan details the Department of Housing and Urban Development's initiatives and plans over the next twelve months to improve access to its federally conducted programs and activities by eligible persons with limited English proficiency (LEP).
- Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (*Federal Register, December 19, 2003*)

This Notice provides guidance regarding assistance to recipients with limited English proficiency. It includes the four criteria that agencies must consider when evaluating the needs for making programs accessible to those with LEP.

- Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (*Federal Register, January 22, 2007*)

- Strategies to Improve Access for Persons with Limited English Proficiency
 - Use the Language Assistance and Planning Self Assessment tool
 - Translate written materials into key languages
 - Adapt written materials to be culturally competent for the target population
 - Use the Language Identification Flash Cards (“I Speak” cards)
 - Use interpreter services when appropriate

[Note: CDBG does count as HUD assisted housing vis-à-vis LEP.]
[Allow time for a discussion of participants’ efforts to address LEP.]

● Solving the Case Study – Limited English Proficiency

Provide the case study on Limited English Proficiency, and give participants a few minutes to read the text and questions. Discuss each question in large group format, soliciting input from participants. Provide approximately 15 minutes for the group exercise.

1. What are the four factors that the CDBG office needs to take into account in determining what, if any, are their responsibilities?

The CDBG office should take the following factors into account:

- The number or proportion of LEP persons (in this case, Chinese-speaking) eligible to be served or likely to be encountered by the program;
- The frequency with which LEP persons come into contact with the programs;
- The nature and importance of the program, activity or serviced provided by the CDBG program to people’s lives;
- The resources available to the grantee and the costs.

These factors are designed to be flexible to allow for a balanced approach to LEP. For example, while the census data reports that the population of Chinese immigrants has increased, what does the data say about the income levels of the new families? If most families are above the moderate income level because they have accepted positions at the new high technology plant, they may not be eligible to participate in the CDBG programs. Or, if the CDBG office primarily is funding infrastructure improvements and only has a small downpayment assistance program, few families may be impacted.

2. What are examples of the types of language services that the CDBG office may offer?

If the CDBG office determines that language services should be provided after addressing the four factors there are two main categories of services that can be offered: oral and written. The CDBG office may provide on-site interpreter services or bring in an interpreter when a meeting is scheduled with a client. If outside translators are being used, it may be useful to provide some training to the translator on some of the more technical aspects of the program, to ensure that the information is being conveyed correctly. In addition to on-site translators, telephone translators can be used, although this can be difficult for a long meeting. The agency should ensure that the outside translators are competent and that they are actually translating and not adding or deleting information. Some sources of translators can be: outside contracted interpreters, hiring bi-lingual staff, hiring interpreters, using community volunteers or family members or friends.

Family interpreters may be useful at times, but often those translators are children who may lack the ability to accurately translate some of the more technical terms. In addition, family members or friends may have a personal opinion or an undisclosed conflict that could color the interpretation.

Second, the CDBG office can translate documents. Of particular importance are those documents relating to the obligations of the program participants and those documents that describe the participant's rights or denial and appeal processes. In addition, the agency should consider translating consent forms, applications and intake forms that have consequences.

Generally, the agency should determine if there is information on the document that is vital to the program participant. Just as with oral interpretation, it is critical that the agency select translators for the written documents who are qualified and will translate the legal and technical requirements accurately.

3. How can the CDBG office affirmatively further fair housing to those with LEP?

Advertising the program availability in foreign language newspapers that serve the local population is an outstanding method for ensuring that non-English speaking individuals are made aware of the various programs offered by the CDBG office. This is especially important if a waiting list or funding opportunity is being made available for a limited time. Additional marketing of the programs can be accomplished through other social service agencies or faith based organizations that serve the LEP population.

In any type of advertising, it can be useful to include information on the LEP services being offered by the agency, so potential program participants will know that they will not have language barriers that prohibit their access to the programs.

● Discussion Questions & Answers

1. What are the key provisions of the Housing and Community Development Act of 1974, as they pertain to CDBG grantees?

Section 109 of the Housing and Community Development Act of 1974 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from CDBG.

2. What is the key provision of Section 504 of the Rehabilitation Act of 1973?

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance

3. Describe three ways in which HUD funded recipients may carry out the requirements of the Fair Housing Act to affirmatively further fair housing.

- a. Have an Analysis of Impediments to fair housing choice;
- b. Take appropriate actions to overcome the effects of impediments; and
- c. Keep records reflecting the analysis and showing the actions taken.

4. What is an analysis of impediments to fair housing choice?

An Analysis of Impediments to fair housing choice is one part of the Consolidated Plan. It is a comprehensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies procedures and practices; an assessment of how those laws, etc. affect the location, availability and accessibility of housing; an assessment of the conditions, both public and private affecting fair housing choice for all protected classes; and an assessment of the availability of affordable, accessible housing in a range of unit sizes.