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STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS

KENNETH W. BOSWELL
DIRECTOR

February 15, 2023

MEMORANDUM

TO: Interested Parties

FROM: Kenneth W. Boswell
ADECA Director

SUBJECT: "April is Fair Housing Month" Fair Housing and Equal Opportunity Information

April is Fair Housing Month. In recognition of this, the Governor of Alabama has issued a Proclamation in honor of Fair Housing Month in the State of Alabama. This Proclamation recognizes the significance of fair housing and encourages all Alabamians to observe and support both the letter and spirit of the Fair Housing Laws. Attached is a copy of the Governor's Proclamation. We encourage all grant recipients and interested parties to help us observe and support April as Fair Housing Month.

Each applicant for, and recipient of, U.S. Department of Housing and Urban Development (HUD) grant funds is expected to carry out the various "fair housing" and "equal opportunity" provisions of the Housing and Community Development Act of 1974, as amended, and other applicable civil rights laws and regulations. In particular, Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and the Fair Housing Amendments Act of 1988 prohibit discrimination in the sale, rental, advertisement, and financing of residential real estate on the basis of race, color, religion, sex, national origin, disability, and familial status. The attachment to this Memorandum identifies and briefly summarizes a variety of statutory requirements, and also provides measures or actions that can be undertaken at the local government level to assure compliance with these mandates. In particular, note that the Fair Housing Act requires that each grant recipient work diligently to affirmatively further fair housing within its local jurisdiction by developing voluntary programs to achieve fair housing goals. The information stated in the attachment hereto will assist local governments in achieving those goals.

Also, available on the HUD website are Equal Housing Opportunity posters that are published in English and other language versions. These posters may be accessed at the HUD website https://www.hud.gov/program_offices/fair_housing_equal_opp/outreachtools and should be displayed within the grant recipient's local government buildings and other public facilities.

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If you have questions or need additional information, please contact Dr. Kathleen Rasmussen, Division Chief of ADECA's Community and Economic Development Division, at 334-353-0323 or at Kathleen.rasmussen@adeca.alabama.gov.

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Attachment

Fair Housing and Equal Opportunity

The U.S. Department of Housing and Urban Development (HUD) has put forth non-discrimination requirements that were compiled from a number of different federal laws designed to protect each individual's right to fair housing and equal opportunity. These laws include the following:

Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended, prohibits discrimination in the sale, rental, advertisement, and financing of residential real estate on the basis of race, color, religion, sex, or national origin. The **Fair Housing Amendments Act of 1988** extended this protective coverage to disabled individuals and families with children.

Title VI of the Civil Rights Act of 1964 provides that no person shall be excluded from participation in, be denied the program benefits of, nor be subjected to discrimination on the basis of race, color, or national origin under any program receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

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

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low or very-low income residents in connection with federally-financed projects and activities in their neighborhoods.

The Age Discrimination Act of 1975, as amended, prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Executive Order 11063 (issued on November 20, 1962) 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.

Executive Order 11246 (issued on September 24, 1965), as amended, bars discrimination against an employee or applicant for federal employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin during the performance of federal or federally-assisted contracts in excess of $10,000.

The Office of Management and Budget's "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (the Super Circular) includes requirements to maximize the use of small, minority-owned, and female-owned businesses in procurement and contracting with federal funds.

In the State's efforts to comply with these various laws and additional HUD program-related requirements, ADECA most recently conducted an *Analysis of Impediments to Fair Housing Choice* (*AI*) during 2019-2020. This *AI* has been published and can be accessed on the ADECA website at https://adeca.alabama.gov/strategic-plans-and-action-plans/. This *AI* is used to assist the State in determining what barriers confront Alabama's citizens who are seeking affordable housing for themselves and/or their families. This *AI* can also be used to determine what tools can be utilized to assist local communities and their citizens in addressing and/or eliminating such barriers.

Contained on the below *List of Required Activities to Affirmatively Further Fair Housing* are two (2) activities to be implemented as a means for a community to comply with HUD's requirement to affirmatively further fair housing within its jurisdiction. Each community that receives CDBG grant program funds from ADECA in PY2023 and/or subsequent years will be required to implement the following two (2) activities:

LIST OF REQUIRED ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING:

1. Issue a "Fair Housing Month" proclamation for the month of April.

2. Publish and/or display bilingual fair housing information for non-English speaking residents in the community.

Further, ADECA requests that each CDBG-funded community implement at least two (2) additional fair housing activities. Each community may select the activities contained on the below *List of Suggested Activities to Affirmatively Further Fair Housing* with the intent that these activities are designed to provide assistance in satisfying the requirements of the Fair Housing Act and related laws. However, each community might find it necessary to modify one or more of the suggested activities to address the special needs and demands within that particular community. Also, this list of activities is not meant to be all inclusive, and other activities may be devised and implemented based upon each community's needs.

Each CDBG-funded community must document the fair housing actions that it implements, and those documents are to be retained in the community's CDBG grant program file that is maintained on the CDBG-funded project. That file must be made available to the public, and in accessible formats. The community will also be monitored by ADECA for compliance with these fair housing and equal opportunity requirements during the CDBG grant administration process. Additionally, such information and documentation could also be required to be submitted to ADECA at various times throughout that process.

LIST OF SUGGESTED ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING:

1. Design and air radio or television public service announcements on fair housing.

2. Develop a public information program on fair housing by using local media (newspapers, radio stations, billboards), bulletin boards, churches, utility bill mailings, and other similar measures to ensure that all segments of the community - particularly real estate brokers, landlords, financial lending institutions, and the minority community - are aware of fair housing requirements.

3. Examine local zoning ordinances and make necessary changes to guard against exclusionary or discriminatory zoning practices that impact fair housing.

4. Enact and enforce a local fair housing ordinance and/or resolution.

5. Form a local task force to develop a fair housing assistance program within the community.

6. Provide fair housing counseling that assists minorities in finding housing outside of areas of minority concentration.

7. Develop local fair housing enforcement and complaint resolution mechanisms so that they include the following activities:
   - (i) advertise how fair housing enforcement and complaint processes work,
   - (ii) establish a procedure for investigating fair housing complaints, or partner with a regional Fair Housing Initiative Program (FHIP) office located within Alabama to do so,
   - (iii) develop fair housing complaint forms,
   - (iv) notify residents where to file complaint forms and who to contact regarding their fair housing complaints,
   - (v) pursue resolution of fair housing complaints,
   - (vi) monitor for compliance, and
   - (vii) document and maintain records on these processes.

8. Survey the special housing needs of minorities, women, families, elderly, and disabled residents within the community so as to determine any effects of fair housing discrimination on those populations, and to determine methods to address the effects.

9. Maintain continual contact with local banking and financial lending institutions, including pay-day lenders, to ensure non-discrimination and equal treatment in their lending rates and loan approvals for use in housing purchases, particularly those involving black, Hispanic, and female householders/loan applicants.

10. Provide and/or conduct outreach and education activities for prospective housing consumers on the topic of how to acquire and maintain good credit for use in the rental or purchase of housing, and maintain information on those outreach and education activities undertaken and their numbers of participants.

11. Provide and/or conduct outreach and education activities for the community's prospective housing consumers on the topic of predatory-style lending, and maintain information on those outreach and education activities undertaken and their numbers of participants.

12. Provide and/or conduct outreach and education activities for housing providers and housing consumers on the topic of actions that are in violation of fair housing laws, and maintain information on those outreach and education activities undertaken and their numbers of participants.

13. Work with the regional Fair Housing Initiative Program (FHIP) offices in conducting fair housing audit testing and enforcement activities within the community to determine the number of properties that are in violation of fair housing laws and disability standards, and track the outcome of these activities by maintaining information on:
    - (i) the resources committed to the testing and enforcement activities,
    - (ii) the number of audit tests undertaken,
    - (iii) the properties identified as being in compliance or out of compliance with fair housing laws and disability standards,
    - (iv) the number and types of violations found,
    - (v) the protected classes impacted by the violations, and
    - (vi) the actions taken to address the out-of-compliance properties.

14. Include language on the community's website concerning fair housing that:
    - (i) notes that discrimination in the housing market is illegal under federal and state fair housing laws, and local ordinances – if applicable,
    - (ii) describes who is covered/defines the classes that are protected under the fair housing laws,
    - (iii) provides examples of violations, and
    - (iv) provides information on how to register complaints pertaining to fair housing law violations.

15. Distribute HUD's Fair Housing-Rental Units posters (available on HUD's website) to landlords and apartment complexes within the community, and request that they display those posters on their premises as a way to promote compliance with fair housing laws in the community.

16. Discuss fair housing issues at local government public hearings, and distribute or otherwise make available HUD's fair housing brochures to attendees.

17. Promote and encourage the accessibility of CDBG Program-related and fair housing-related information to the local CDBG-funded project's beneficiaries, and to persons with disabilities and persons with limited English proficiency.

18. When conducting the pre-bid meeting for construction activities that are included in the local CDBG-funded project, inform the attendees of:
    - (i) the 24 CFR Part 570.507(c) and HUD Form 2516 requirements to engage minority-owned businesses in prime contractor and sub-contractor activities on the project, and
    - (ii) the HUD Section 3 requirement to help foster economic development, neighborhood economic improvement, and individual self-sufficiency by providing job training, employment, and contracting opportunities for low- or very low-income residents in connection with projects and activities in their neighborhoods.

For additional information on the topic of fair housing and equal opportunity, ADECA encourages you to access HUD's website at https://www.hud.gov/program_offices/fair_housing_equal_opp, and ADECA's website at https://adeca.alabama.gov/cdbg/fairhousing/ and https://adeca.alabama.gov/cdbg/cdbg-news/.