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CHAPTER 3. RESPONSIBILITIES OF FAIR HOUSING AND EQUAL OPPORTUNITY STAFF

3-1. OVERVIEW.

This Chapter outlines the functions and responsibilities of Fair Housing and Equal Opportunity (FHEO) staff in Category A and Regional Offices. This Chapter also gives instructions and guidance for coordination among FHEO staff and with CPD staff.

3-2. RESPONSIBILITIES OF FHEO STAFF IN CATEGORY A OFFICES.

The FHEO Division is responsible for carrying out the FHEO aspects of HUD's oversight responsibilities. These duties are performed under the supervision of the Field Office Manager and under the technical direction of the Assistant Secretary for FHEO. In addition, the FHEO Division has limited responsibilities with respect to civil rights compliance activity (see paragraph 7-4). Where Regional and Field Offices are co-located, these functions are carried out by the Program Operations Division Regional Office of FHEO. FHEO Division staff shall:

- a. provide information and technical guidance to States with respect to the civil rights requirements of Title I and other applicable laws;
- b. determine whether the State's civil rights certifications submitted with the final statement are acceptable;
- c. monitor the performance of the State in conforming with applicable civil rights and equal opportunity requirements in the administration of the CDBG program;
- d. refer written complaints of civil rights violations to the Regional Office of FHEO for disposition/handling; and
- e. cooperate with Regional Office of FHEO in planning and collecting data in preparation for compliance reviews and, if requested by the Regional Office, take steps to resolve compliance findings.

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3-3. RESPONSIBILITIES OF REGIONAL FHEO STAFF

- (a) The Program Operation Division (POD) has primary day-to-day responsibility among FHEO Regional staff for working with

CPD staff to assure that civil rights requirements of the State CDBG program are met. The POD staff perform the same functions as the FHEO Division, Category A Office, described in Paragraph 3-2 above.

- (b) The Management Liaison staff serves as the liaison between the Regional Office and Category A Offices on matters of program management and technical decisions relative to civil rights and equal opportunity matters in the State CDBG program where:
- (1) the Regional Administrator is advised of problems or potential problems in the State CDBG program; and
  - (2) the concurrence of the Regional Administrator is required with respect to actions to be taken relative to a State which is administering the State CDBG program.
  - (3) assists FHEO staff in Category A Offices and Program Operations Divisions carry out their responsibilities in a manner which is consistent with the policies and procedures established by the Assistant Secretary for FHEO;
  - (4) develops any additional procedures that may facilitate implementation of management goals and to evaluate management performance of field offices. Any additional procedures must supplement, not supplant those established by the Assistant Secretary and must be consistent with those established by the Assistant Secretary.
- (c) The Compliance Division:
- (1) investigates and, where appropriate, negotiates compliance agreements with respect to specific complaints alleging violations of applicable civil rights laws. Chapter 7 describes procedures for civil rights complaint investigations in the State CDBG program.
  - (2) under the authorities of Title VI, Section 109, Section 3 and other applicable civil rights laws, conducts compliance reviews of State and local recipients, to determine compliance with these civil rights laws. Chapter 7 discusses civil rights compliance review procedures and activities in the State CDBG program.

coordinate all activities relative to any given State which administers CDBG nonentitlement funds. Coordination includes but need not be limited to:

- a. sharing copies of correspondence sent to State or recipient officials and agencies;
- b. scheduling monitoring visits and compliance reviews to any State or recipient locality in order to make use of data already available within HUD and to minimize burdens upon the State or locality; and
- c. sharing information about actual or potential problems that may require special attention through technical assistance, monitoring, or compliance activity.

3-5. COORDINATION WITH CPD STAFF. FHEO must work with CPD staff to establish and implement procedures that will:

- a. provide FHEO staff with information they need to carry out the civil rights aspects of HUD's oversight and compliance responsibilities. For example:
  - (1) FHEO staff should receive notice of States that have elected to administer CDBG funds in nonentitlement areas;
  - (2) FHEO staff should have access to all information and data regarding State and recipient activities and performance in the State CDBG program.
- b. ensure FHEO staff's participation in document reviews, visits, meetings or other activities related to an assessment of the State's performance related to civil rights. For example, FHEO Field staff should be involved in:
  - (1) developing Field Office strategy for reviewing a State's performance, providing assistance to the State and preparing related written communications to the State;
  - (2) reviewing the State's annual performance and evaluation report and contributing to any written assessments of the report to the State.

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- (3-5b.) (3) participating in seminars, workshops and other activities to provide information and technical assistance with respect to the civil rights program requirements.

c. provide CPD staff with information it needs to carry out its overall management and oversight responsibilities. For example, FHEO staff shall provide CPD staff with:

- (1) conclusions regarding acceptability of the State's civil rights certifications; and
- (2) conclusions regarding performance of the State with respect to civil rights requirements.

3-6. COMMUNICATIONS WITH FHEO HEADQUARTERS.

a. FHEO Field staff shall maintain frequent contact with the FHEO headquarters staff regarding civil rights matters in the State CDBG program. This communication is necessary to ensure clear, nationally uniform interpretations of civil rights requirements and consistent administration of FHEO-related oversight responsibilities. FHEO staff shall:

- (1) request guidance, as necessary, on approaches to assisting States in resolving civil rights concerns and problems;
- (2) discuss with Headquarters/FHEO any deficiencies (findings) or potential deficiencies;
- (3) consult with Headquarters/FHEO regarding appropriate corrective and remedial program sanctions (recognizing that HUD must first ask the State what steps it will take to resolve findings); and
- (4) share experiences which might be helpful to other HUD Offices; for example, State Procedural Manuals; State workshops for local government recipients; State actions to affirmatively further fair housing; State activities to promote minority and women-owned businesses.

b. Contact FHEO/Headquarters, when:

- (1) there is a question regarding whether a State has met civil rights requirements;

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- (3-6a.) (2) a review reveals performance problems (see paragraph 6-10);
- (3) a review results in the need for further information from the State concerning the State's compliance with

its civil rights certifications; or

- (4) considering recommendations for corrective actions outlined in 24 CFR 570.499(b) through (g) and 570.499a (see paragraph 6-10 f);
- (5) a State has demonstrated outstanding performance in implementing civil rights requirements.

3-7. DOCUMENTATION OF FHEO ACTIVITIES.

FHEO staff shall keep an administrative record of their activities relative to the State CDBG Program.

- a. The administrative record includes, but need not be limited to the following types of information:
  - (1) description of the function (e.g., training, monitoring, review of certifications);
  - (2) date(s) of the activity;
  - (3) names of FHEO staff, and if applicable, State participants;
  - (4) observations and analysis;
  - (5) conclusions, if applicable; and
  - (6) follow-up actions required, if any.
- b. There is no prescribed format for the administrative record of actions by FHEO staff. Types of documentation include but need not be limited to the following:
  - (1) a memorandum to the file;
  - (2) a program agenda;
  - (3) minutes from a meeting;
  - (4) State publication (e.g., newsletter);

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- (3-7.) (5) a memorandum to other HUD staff; and
  - (6) a letter to the State.

- c. Record in the automated management information system - FHEO FORMS/CPD:

- (1) conclusions about performance and evaluation report;
- (2) conclusions about performance from monitoring visit; and
- (3) recommendations, if any, for corrective action.