
CHAPTER 1. RESPONSIBILITIES AND INVESTIGATION PROCEDURES

1. INTRODUCTION. This Handbook implements the policy and responsibilities set forth in Executive Order 11512 and in the Memorandum of Understanding between the Department of Housing and Urban Development and the General Services Administration concerning Low- and Moderate-Income Housing, executed on June 12, 1971, (Appendix 1). The Memorandum was implemented by procedures published in the Federal Register on June 7, 1972. (See Appendix 2 for HUD's procedures and Appendix 3 for GSA's procedures.) A flow chart (Appendix 4) is included to facilitate clarification of HUD's and GSA's responsibilities for the procedures herein described.
2. ACTIONS SUBJECT TO THESE PROCEDURES.
 - a. All project development investigations are subject to the procedures herein.
 - b. Site selections for public buildings (or leased space in buildings to be erected by the lessor) are subject to the procedures herein in all cases in which 100 or more low- or moderate-income employees are expected to be employed in the new building.
 - c. Lease actions (other than those included in b above) are subject to the procedures herein where:
 - (1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased, and
 - (2) If the lease involves residential relocation of a majority of the existing low- and moderate-income work force at a presently existing facility, or a significant increase in their transportation or parking costs, or travel time to the new location will exceed 45 minutes or a 20-percent increase if travel time to the present facility already exceeds an average of 45 minutes.
 - d. GSA may request HUD review in actions of special importance not covered by b and c.
3. DEFINITIONS. The following definitions are supplied in order that procedures will be interpreted and carried out uniformly throughout the Department.
 - a. Adequate supply: A housing supply is adequate if it includes sufficient units to accommodate low- and moderate-income employees of the new facility when fully staffed, in excess of an current deficit existing in the community and in excess of

anticipated displacement needs which would require housing units to be available, within six months of the opening of the new facility, for any other Federal or federally-assisted program.

- b. Low- and moderate-income: In identifying those employees of the moving agency to be considered low- and moderate-income for the purposes of determining their number, this Handbook defines "low- and moderate-income" as income up to and including the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees, "low- and moderate-income" is inclusive of all grade levels from GS-1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area; "higher-income" is defined as all General Salary Schedule grade levels above such grade level. Figures for a particular housing market area will be supply to GSA upon request by the Director, Office of Technical and Credit Standards, Economic and Market Analysis Division, HPMC, in the Central Office of HUD.
 - c. Nondiscrimination: Fair and equitable treatment and opportunities in housing, regardless of race, color, religion, or national origin.
 - d. Delineated area: The area in which GSA proposes to locate a Federal facility or lease space for such facility. It will be established by GSA in their Project Development Report.
4. GSA'S RESPONSIBILITIES. The Regional Commissioner (formerly, Director), Public Building Service (PBS), GSA, will inform the HUD Regional Administrator that GSA is undertaking a survey for a Project Development Report or a site investigation as soon as a determination to do so has been made. He will provide HUD with the information required in paragraph 8 or 9, as appropriate.
5. RESPONSIBILITIES WITHIN HUD.
- a. The Assistant Secretary for Equal Opportunity is responsible for the overall implementation of the Department's responsibilities under the Memorandum of Understanding. He will maintain liaison at the national level with the Commissioner, PBS, GSA, concerning questions of policy and disagreements on specific sites referred to him by the HUD Regional Administrator.
 - b. The Regional Administrator is HUD's liaison at the regional level with GSA. It is his responsibility to coordinate HUD's efforts with those of GSA. He deals directly with the Regional Commissioner, PBS, and any other officials, such as those in
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HUD-Wash., D. C.

8030.1

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- the moving agency and community involved, should their cooperation be required. He also coordinates the implementation of this program in his region and provides GSA with HUD's recommendation.
- c. The Assistant Regional Administrator for Equal Opportunity is responsible for consolidating information from the Area and Regional offices. Using the data he receives from the Area Office Director and the guidelines of paragraph 7 of this Chapter, "Considerations to be looked at during investigations," he will make recommendations to the Regional Administrator as to the adequacy of the sites and/or delineated areas under consideration, including specific changes which he feels would be necessary in order for a currently inadequate location to become adequate. In this connection, he will call upon the Assistant Regional Administrators for Housing Production and Mortgage Credit and for Community Planning and Development, the Regional Economist, and other appropriate staff for their knowledge and advice.
 - d. Assistant Regional Administrator for Housing Production and Mortgage Credit, Assistant Regional Administrator for Community Planning and Development and Regional Economist will provide assistance and advice to the Assistant Regional Administrator for Equal Opportunity when requested to do so.
 - e. The Area Office Director is responsible for providing the HUD Regional Administrator with the data, including the General Area Survey, on which the Regional Administrator bases his recommendations to GSA as to the adequacy of delineated area(s) or recommended sites. The Area Office Director may include his own recommendations to the Regional Administrator as to the adequacy of areas or sites.
 - f. The Area Office Equal Opportunity Director is HUD's representative on GSA's site investigation teams. He will be informed through the Regional Administrator and Area Office Director when GSA notifies them of its schedule.
6. DIFFERENCES BETWEEN LEASE ACTIONS AND NEW CONSTRUCTION. The only significant difference which concerns HUD's procedures is the time frame involved. Lease actions are generally completed in a shorter amount of time than actions requiring construction of a new building. HUD's responsibilities remain the same for both. However, the HUD Regional Administrator and the Regional Commissioner, PBS, must be mindful of GSA's time constraints and set HUD's deadlines for reporting to GSA accordingly.

HUD-Wash., D. C.

8030.1

7. CONSIDERATIONS TO BE LOOKED AT DURING INVESTIGATIONS. In carrying out the investigations set forth in this Handbook, and in making reports to GSA, the HUD Regional Administrator will judge a community by its degree of conformance with the following three requirements, and will base his recommendations to GSA on the extent to which the community complies with each. A community, delineated area or specific site will be recommended as inadequate for Federal agency relocation if it is inadequate on any one or more of the following grounds:
- a. Supply of low- and moderate-income housing on a nondiscriminatory basis.
 - b. Nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin (Title VIII of the Civil Rights Act of 1968).
 - c. Availability of transportation from housing to site.
8. THE GENERAL AREA SURVEY.
- a. When GSA is doing a survey for a Project Development Report for which HUD participation is required, the Regional Commissioner, PBS, will provide the HUD Regional Administrator with the following information in triplicate.
 - (1) Community being surveyed, i.e., the survey area.
 - (2) Time and place of field survey.
 - (3) Present location of agencies affected if presently in the community under study.
 - (4) Other information from the moving agency or GSA which GSA feels is pertinent to HUD's responsibilities, or which the HUD Regional Administrator may request in order to carry out HUD's responsibilities.
 - b. The HUD Regional Administrator will forward a copy of this information to the appropriate Area Office Director and request that a General Area Survey be conducted.
 - c. A General Area Survey provides HUD and GSA with an overall assessment of a community in regard to its supply of low- and moderate-income housing, presence and extent of discrimination in the sale and rental of housing of all income levels, locations

of existing HUD projects, and other information necessary to determine, on the basis of available housing, the best possible site for a Federal agency relocation. The following eight points must be covered by the Area Office Director in his survey and included, with recommendations, when a HUD Regional Administrator makes a report to GSA. Use of a local street map with a key may be helpful in clarifying locations discussed in the written survey report. Especially important to be shown visually is the information contained in subparagraphs (2), (3), (6), and (7) of this section.

- (1) Summary information on general type, location, cost and vacancy rates for all low- and moderate-income housing in the survey area. Reliable Postal Vacancy Surveys and recent (within one year) FHA market analyses may be used as acceptable sources for this information. Areas of minority and low-income concentrations should also be noted separately.
- (2) A listing, by location and program, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. Data from HUD forms 9801 and 51235 should be used. Include also a listing of local Housing Authorities and other such funding agencies. This information may be useful not only as a source for additional data for the General Area Survey, but will also be available later in the event that their cooperation is needed in an affirmative action plan.
- (3) An estimate, by general location, of the supply of low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1), chapters 2 and 4. Chapter 2, paragraph 3b describes the standards required for such housing. Chapter 4, paragraph 4c(3) contains sources of vacancy data which should either be followed directly or by contacting the local agency if a relocation program is already being carried out in the community. The estimated racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.
- (4) A listing, by location, of all subsidized housing planned to have construction begun within the survey area for the one-year period following the survey.

HUD-Wash., D. C.

8030.1

- (5) A listing of competing displacement needs for the subsidized housing planned in (4) above. "Needs" should include source of displacement, estimated number of displacees, and their estimated racial breakdown.
 - (6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.
 - (7) A delineation of those sub-areas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear. These sub-areas in effect, are HUD's recommendations to GSA of the most suitable locations for sites for the moving agency. A justification for these delineations will be part of HUD's written recommendations and report to GSA.
 - (8) A determination of the extent of discrimination in the sale and rental of housing. The following are offered as suggested means for making this determination. Report the existence of a local or state Fair Housing law and whether or not HUD has found that it provides rights and remedies substantially equivalent to those of Title VIII of the Civil Rights Act of 1968. Check the overall distribution of minorities throughout the city. (See c(1) above). Check with the HUD Assistant Regional Administrator for Equal Opportunity for recorded Title VIII complaints in the community. Check for other discrimination cases through local or state courts or through local civil rights groups who may have been involved in litigation. Study the practices of local real estate offices if their compliance with Title VIII is in question. Study home financing operations if such practices are in question.
- d. The appropriate Area Office Director in each HUD Region shall maintain an updated (yearly) General Area Survey (paragraphs one through six and eight) for his Regional Office city, and for any other metropolitan area which the HUD Regional Administrator and the Regional Commissioner, PBS, anticipate will be considered frequently for proposed Federal facility relocation or construction.
9. SITE INVESTIGATION AND SELECTION.
- a. Timing. Within three workdays after the HUD Regional

HUD-Wash., D. C.

8030.1

Administrator receives the information from GSA, (listed in b below), he will (after consultation with his Assistant Regional Administrator for Equal Opportunity and the appropriate Area Office Director) contact the Regional Commissioner, PBS, and they will agree upon a deadline by which HUD must make its recommendations to GSA. This deadline will be determined by such factors as whether HUD must conduct a General Area Survey or update one that is more than one year old, whether or not specific sites are under consideration and, if so, how many sites, and for what purpose (lease action or new construction).

- b. Responsibilities of the GSA Regional Commissioner, PBS. In cases where the Regional Office of GSA is investigating sites for construction of a specific proposed facility, or sites for a specific lease action, the Regional Commissioner, PBS, will inform the appropriate HUD Regional Administrator and will transmit to him the following information in triplicate:
- (1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.
 - (2) The delineated area within which specific sites will be considered, or, if specific sites are already under consideration, their locations.
 - (3) Copies of the prospectus and site directive for the project.
- c. Responsibilities of the HUD Regional Administrator.
- (1) He will contact the Regional Commissioner, PBS, as set forth in 9a.
 - (2) He will forward one set of GSA's information to his Assistant Regional Administrator for Equal Opportunity and another set to the HUD Area Office Director within whose jurisdiction the delineated areas or specific sites are located. He will inform the Area Office Director of the deadlines agreed upon with GSA and request that the Area Office Director forward the results of his General Area Survey to the Regional Office no less than five workdays before the deadline to GSA.
 - (3) After the Assistant Regional Administrator for Equal Opportunity has received the results of the Area Office Director's investigations and consolidated them into a report with recommendations, the Regional Administrator will

transmit the written report to the Regional Commissioner,

HUD-Wash., D. C.

8030.1

PBS, in accordance with the deadline set. The recommendations will be based on the adequacy of the sites under consideration with respect to the points described in paragraph 7.

- d. Responsibilities of the HUD Area Office Director.
- (1) In cases where a delineated area is currently under investigation, the Director will develop a General Area Survey or update an existing one if it is more than one year old. If the General Area Survey is less than one year old, the Director will update subparagraph (8).
 - (2) In cases where specific sites within a delineated area are under investigation, the Director will not only complete a new or updated General Area Survey as for (1), but he will also study transportation linkages between the specific sites and the low- and moderate-income housing identified as acceptable in the General Area Survey. The map suggested for the General Area Survey should be used to indicate major transportation linkages.
 - (a) Public Transportation. The following information must be reported:
 - (1) Estimates of travel time to the site from low- and moderate-income housing and from higher-income housing. Travel time from low- and moderate-income housing should not exceed the estimated travel time from higher-income housing. Bus or subway companies should be able to supply this information for the routes and schedules they service.
 - (2) Types (bus, subway) of available public transportation and the extent of their routes.
 - (3) Frequency of service, especially during the opening and closing of the business day, and any differences in frequency between multiple lines. Arrival and departure times must be within 15 minutes before opening and after closing hours of business, respectively.
 - (4) Fares must be reported, and the percent of the

relocating agency's work force who are anticipated to use the service during rush hours estimated.

- (5) Statement as to whether public transportation is operating on a nondiscriminatory basis.

5/73

Page 8

HUD-Wash., D. C.

8030.1

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- (b) Private Transportation and Parking. The following information must be reported:
- (1) Where public transportation is unavailable or unacceptable according to (2)(a), the Director must determine whether travel time by automobile to the site from acceptable low- and moderate-income housing exceeds the travel time from higher-income housing. In particular, rush hour traffic patterns and timing should be reported. If time does not permit driving rush hour routes personally, the 1970 Census publications on Census Tracts for SMSA's may be useful in gathering this data (Series PHC(1)). Table P-2, "Social Characteristics of the Population: 1970," gives breakouts for means of transportation and place of work for SMSA's, cities and Census Tracts.
 - (2) Parking facilities available and accessible to the site should be reported. Monthly rates which exceed the average eight hours' wage of low- and moderate-income employees should be reported as unacceptable. An estimate of the number of parking spaces that will be available within 1,200 feet of the facility should be reported and weighed against the number of employees anticipated to be using private transportation. Take into account the fact that many parking spaces within the facility may be reserved for higher-grade employees.
 - (3) The HUD Area Office Director will forward the results of his investigations on the General Area Survey and transportation to the Regional Administrator, attention Assistant Regional Administrator for Equal Opportunity, who will prepare the recommendations from the Regional Administrator to GSA.
- e. Inadequacy of a Site. Should the HUD Regional Administrator find a site inadequate on one or more points set forth in paragraph 7, he must also transmit the reasons for his

recommendations and an outline to corrective actions which, in his judgment, will be required to overcome the inadequacies noted. A numerical estimate of housing units needed should be included. This outline will serve as the basis for an affirmative action plan, should the inadequate site be GSA's final choice.

- f. Public disclosure of the General Area Survey and HUD recommendations. The HUD Regional Administrator will provide a

8030.1

copy of the results of a General Area Survey and the transportation study to officials of the community surveyed and anyone else who presents a written request for the information.

10. PROCEDURES WHEN GSA CHOOSES A SITE.

- a. Notification to HUD. The HUD Regional Administrator will be promptly notified by the Regional Commissioner, PBS, when GSA has reached a decision on the priority of sites for new construction or delineated area for leasing.
- b. Procedures when chosen site is unacceptable to HUD.
- (1) Upon notification that GSA has chosen a site contrary to HUD's recommendation, the HUD Regional Administrator must promptly so advise the Assistant Secretary for Equal Opportunity, and summarize for him the facts and recommendations involved.
 - (2) The Assistant Secretary for Equal Opportunity must notify the Commissioner, PBS, of HUD's concerns within five workdays after the Regional Administrator was notified. The Assistant Secretary for Equal Opportunity and the Commissioner, PBS, will agree upon the time required to properly present HUD's views.
 - (a) The HUD Regional Administrator and/or Area Office Director will be present should a meeting be arranged, as needed and when so directed by the Assistant Secretary.
 - (b) If no field office representative familiar with the case is able to be present, the Assistant Secretary should be briefed and provided with a copy of the General Area Survey and other pertinent information before the meeting.
 - (3) GSA will provide a written explanation to the Assistant

Secretary and to the Regional Administrator when, after Headquarters' review, a location is selection which HUD reported inadequate.

5/73

Page 10

HUD-Wash., D. C.