
CHAPTER 2. DEVELOPING AN AFFIRMATIVE ACTION PLAN

11. INTRODUCTION.

- a. Purpose. The purpose of this chapter is to provide guidance for the development and implementation of affirmative action plans in communities surveyed by HUD and found to be inadequate on one or more of the grounds set forth in 7, but determined by GSA to be, due to overriding necessity, the most desirable location available for a new Federal facility.
- b. Background. In the event that a proposed general area for relocation or construction of a Federal facility is found to be inadequate on one or more of the grounds set forth in 7, as determined by the Regional Administrator's report to GSA, prior to the issuance of invitations for bid for new construction by GSA, an affirmative action plan must be developed, and all parties must have agreed to its provisions.

12. RESPONSIBILITIES.

- a. Title VIII of the Civil Rights Act of 1968 requires HUD, and all other Federal agencies in cooperation with HUD, to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the policies of equal housing opportunity. Executive Order 11063 requires all agencies and Departments having housing-related functions to take all action necessary and appropriate to prevent discrimination in housing because of race, color, creed, or national origin. Executive Order 11512 makes the availability of adequate low- and moderate-income housing an important element in the selection of sites for Federal facilities. HUD and GSA, therefore, share in the responsibility for increasing the supply of low- and moderate-income housing available on a nondiscriminatory basis if a community is found to have an inadequate supply when GSA is planning to locate a Federal facility therein.
- b. Under the terms of the Memorandum of Understanding between HUD and GSA, it is the responsibility of those agencies to "develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the leased or new building or space is to be occupied or within six months thereafter."
- c. According to the Memorandum of Understanding between HUD and GSA, the local community must make commitments to do the following:

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- (1) "Initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space."
 - (2) "To remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision."
- d. The relocating agency must do the following:
- (1) According to the Memorandum of Understanding between HUD and GSA, propose steps "to develop and implement a counseling and referral service to seek out and assist its personnel to obtain.. housing" available on a nondiscriminatory basis, adequately accessible to the new facility.
 - (2) According to HUD regulations implementing the Memorandum, give assurance "that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan."
 - (3) Provide information to HUD, on request, concerning its present low- and moderate-income employees.

13. IMPLEMENTATION.

- a. Should GSA's decision remain contrary to HUD's recommendations after discussion at Central Office level, the Regional Commissioner, PBS, will notify the HUD Regional Administrator that GSA has reached its final decision to locate a facility in an area which HUD has determined is inadequate according to the criteria of Chapter 1, paragraph 7. The Regional Administrator will arrange immediately for the following steps to be taken:
 - (1) Contact the moving agency for detailed information on its present low- and moderate-income employees. Arrange for a survey questionnaire to be filled out by the employees with questions on family size and income levels, size of housing units needed, how many employees would rent units and how many would purchase near the facility, etc. These
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figures should constitute the minimum amount of housing necessary to become available within six months of the opening of the facility. More units, to accommodate the total estimated low- and moderate-income employees expected, should be a longer range goal of the plan.

- (2) Meet with appropriate officials of the moving agency to discuss and plan their counseling services. Further meetings with the agency should include GSA officials, especially in those cases where transportation arrangements must be made between the agency's old location and its new one.
 - (3) By letter, notify the community involved of its inadequacies and attempt to set up a meeting with the local officials to initiate corrective actions. At this time, the Regional Administrator will inform the officials of the results of his General Area Survey and the corrective actions HUD had recommended to rectify the problems.
- b. The Regional Administrator will work with local bodies and agencies in his attempts to obtain an adequate supply of nondiscriminatory low- and moderate-income housing in the community for the relocating agency's low- and moderate-income employees. His responsibilities are to:
- (1) Determine the amount of HUD-assisted and non-assisted housing which would need to be made available within six months of the opening of the facility in order to make the general area approvable, and determine whether the appropriate allocations for the concerned Area Office's jurisdiction will cover the deficit, through one or more of HUD's programs.
 - (a) He will attempt to make up the deficit in units by reallocating units from other Area Offices within his Regional jurisdiction.
 - (b) If enough units cannot be secured through his Region's allocations, he will communicate with the Assistant Secretary for HPMC in the Central Office in an attempt to have units reallocated from other Regions.
 - (2) Through a local real estate board, LHA, civil rights groups, etc., advise the community of available HUD programs (public housing, 235, 236, etc.) which can increase its supply of low- and moderate-income housing.

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- c. In meeting with the community officials, the Regional Administrator may make specific recommendations to them, should he discover through the General Area Survey that a particular corrective action, or actions, needs to be taken. He will offer general assistance upon request. The following are possible corrective actions which the Regional Administrator should suggest that the community consider. They are broken down by major problem areas to facilitate the solution of a particular problem.
- (1) Inadequate supply of low- and moderate-income housing.
 - (a) Meet with the involved agency to determine, through its internal surveys, estimates on how many individuals and how many families (and what sizes) will need low- and moderate-income housing, how many units will be needed for rental purposes and how many for sale, etc. (See a(1) above).
 - (b) A meeting should be arranged with the local housing authority and other funding agencies and appropriate HUD officials to discuss utilization of HUD programs. (See the completed General Area Survey, paragraph (2), for an updated list of such bodies). Hold similar meetings with, or find means for wide-spread advertising to, local citizen groups for programs which their members may apply for as individuals.
 - (c) Have the community check local code enforcement regulations and initiate action against landlords of low- and moderate-income housing to bring their buildings into compliance, in order to increase the existing supply of low- and moderate-income housing.
 - (d) Have the community review local zoning ordinances to determine whether changes will affect the availability of land for building sufficient low- and moderate-income housing accessible to the selected site to meet the requirements. (For example, rezoning commercial land to residential land, single-family dwelling space to double or multi-family, etc.).
 - (e) Refer to paragraph (2) below if discrimination is among the reasons for an inadequate supply of available low- and moderate-income housing.

- (2) Discrimination in housing (noncompliance with Title VIII of the Civil Rights Act of 1968).
 - (a) Develop or revise a local Fair Housing ordinance or law and initiate necessary steps towards recognition by HUD of its substantial equivalency to the Federal law (Title VIII of the Civil Rights Act of 1968).
 - (b) Review lending practices of local banks and other financial institutions to uncover the presence of discriminatory activities and attempt to correct such practices by working through Federal and State regulatory agencies when necessary.
 - (c) Work with real estate boards and the real estate industry to develop areawide affirmative marketing plans or other affirmative means of furthering the goals of Title VIII.
 - (d) Enlist the support of local Fair Housing groups in an effort to increase the supply of nondiscriminatory low- and moderate-income housing.
- (3) Existing low- and moderate-income housing inaccessible to proposed site.
 - (a) Involve local public transportation companies to determine feasibility of changing routes and/or schedules to increase accessibility.
 - (b) The Regional Administrator should encourage GSA to discuss with the community and lessor or building contractors the possibility of additional parking facilities in or near the new facility if private transportation can be expected reasonably to improve accessibility for low- and moderate-income employees.
 - (c) The Regional Administrator should encourage GSA and the community to consider contacting Federal and state departments of transportation for assistance in solving transportation problems if the community is unable to do so on its own.
- d. The Regional Administrator shall meet with all of the other participants who must sign the affirmative action plan: GSA, the lessor or building contractors, and the moving agency, as

well as community officials, public and private interests,
and HUD personnel whose cooperation and action will be needed.

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He shall make clear to each participant the possible actions which HUD may resort to, as set forth in paragraph 14, should the participant fail to meet the goals which he agrees to fulfill in signing the affirmative action plan.

- e. Agreement must be reached with all participating bodies as to what actions will be taken to reach the goals of the proposed affirmative action plan. Each participant will submit written proposed plans to the Regional Administrator, who will compile them into one written affirmative action plan which will be signed by all participants. Each participant's plan will include goals, targets, and timetables for each element for which he has responsibility in order that progress towards achieving the goals can be monitored. Since the new housing supply must be available within six months of completion of the new facility, HUD and GSA must have commitments from each of the following participants:
- (1) The lessor or building contractors: the earliest date on which the facility will be available for occupancy.
 - (2) The moving agency: that it will provide transportation for its current low- and moderate-income employees between the old and new facilities during the interim period, as specified in HUD's implementing regulations, and provide counseling and referral services for these employees.
 - (3) The community bodies: that they will be able to provide an adequate supply of low- and moderate-income housing available on a nondiscriminatory basis, adequately accessible to the new facility, by a date no more than six months later than occupancy of the facility.
 - (4) Private interests (real estate board, homebuilders association, etc.): that they will work with the community bodies to provide the necessary housing through financing, reforming discriminatory practices, consultation, providing services, etc.
- f. Prior to the issuance of invitations for bid for new construction by GSA, all parties to the affirmative action plan must have agreed to its provisions.

14. COMPLIANCE.

- a. At the end of a six-month period commencing on the date of the signing of the affirmative action plan, each signatory will file a progress report with the Regional Administrator advising him of corrective actions taken and results that have been effected over the six-month period. At the same time, an information copy of each report should be filed with the Regional Commissioner, PBS.
 - (1) For lease actions, an interim three-month report should also be filed.
 - (2) After the six-month report, an annual report will be required until such time as the Regional Administrator determines that the plan has been fully executed.
 - (3) Failure to file these reports is considered to be noncompliance with the goals of the plan and the HUD Regional Administrator will contact the Assistant Regional Administrator for Equal Opportunity to issue a show-cause letter to the offending signatory.
- b. In the event a signatory to the affirmative action plan fails or refuses to carry out its undertakings, the Regional Administrator may recommend to the Secretary that new HUD assistance to that signatory be withheld until a good faith effort to affirmatively correct its inadequacies is shown.
- c. In the event there is inadequate progress toward achieving the timetable set forth in the affirmative action plan, the Regional Administrator will notify the Assistant Secretary for Equal Opportunity. He shall contact the Commissioner, PBS, and they may take appropriate action to secure compliance.