

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FAIR HOUSING AND EQUAL OPPORTUNITY

Transmittal Handbook No.: 8040.1
Issued: June 1, 1976

TRANSMITTAL NOTICE

1. This Transmits

HUD Handbook 8040.1, Compliance and Enforcement Procedures for Title VI of the Civil Rights Act of 1964.

2. Explanation of Material Transmitted:

This Handbook substantially changes procedures for determining and effecting compliance with Title VI of the Civil Rights Act of 1964 in all programs and activities which receives HUD financial assistance, except programs of insurance or guaranty. The handbook is consistent with the Act, the Department Regulation and Justice Department Guidelines for the administration and enforcement of Title VI.

3. Effective Date:

The revisions provided by this transmittal are effective immediately.

4. Major Issues and Changes:

1. Make compliance reviews the core of the Title VI compliance program.
2. Institute a process for the conduct of follow-up reviews.
3. Define and limit responsibilities of AS/FHEO, ARA/FHEO, AO/FHEO and other A/S with respect to the administration and enforcement of, and compliance with Title VI.
4. Institute a monitoring process for AO/FHEO staff on all HUD recipients whose Title VI compliance status can not be conclusively determined.
5. Establish criteria for processing complaints which relate to Title VI and (1) Title VIII, (2) Funded Agency EEO contract clause, and (3) the Nondiscrimination Section (109) of the Housing and Community Development Act of 1974.

FHEO: DISTRIBUTION: W-1,W-2,W-3,W-3-1,W-4
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6. Establish guidelines for opening cases as a result of complaints of employment discrimination in HUD assisted programs.
7. Initiate the team approach for conducting Title VI compliance reviews.

8. Establish criteria for determining racial disparity.
 9. Institute the preliminary report concept for all Title VI FIR's.
 10. Define and distinguish Title VI negotiations from Title VIII conciliations.
 11. Establish a uniform time period for securing voluntary compliance and thus prohibit protracted compliance efforts.
 12. Define, distinguish and establish criteria for voluntary compliance plans and affirmative action plans in the Title VI compliance and enforcement program.
 13. Explain the Title VI "deferral" process and establish procedures for imposing and the cessation of the "deferral" status.
 14. Establish in detail the format and content of all final investigation reports of Title VI matters.
 15. Establish procedures for Title VI case referral inter and intra HUD, and also for consolidating compliance reviews with other Federal agencies and departments.
 16. Explain the applicability of the Freedom of Information Act (FOIA), as amended, to Title VI compliance and enforcement.
5. Filing Instructions:
- Remove: Handbook 8000.2 (3-73) and 8000.3 (9-71)
 Insert: Handbook 8040.1 (6-76)

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COMPLIANCE AND ENFORCEMENT PROCEDURES
 FOR
 TITLE VI
 OF THE CIVIL RIGHTS ACT OF 1964

JUNE 1976

HUD STAFF

A HUD HANDBOOK

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FOREWORD

It is the responsibility of the Office of Fair Housing and Equal Opportunity to ensure that all HUD programs are designed and implemented to afford an equal opportunity for all eligible persons to participate in and benefit from them. A basic tool in reaching this goal is Title VI of the Civil Rights Act of 1964, which prohibits discrimination in Federally assisted programs. Title VI provides in pertinent part:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract, other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of Title VI with respect to such program or activity by issuing rules, regulations, or orders of general applicability. Such issuances must be consistent with the objectives of the statute which authorizes the financial assistance. Compliance with Title VI is determined by systematic compliance reviews and the investigation of complaints by the Office of Fair Housing and Equal Opportunity.

The purpose of this Handbook is to set forth the procedures to be followed in determining whether recipients of HUD financial assistance are complying with the standards, policies, and requirements designed to ensure that all persons have equal access to the facilities, services, and benefits of HUD programs.

Programs which receive financial assistance from HUD, and are subject to the provisions of Title VI of the Civil Rights Act of 1964, are listed in Appendix 2.1.