
CHAPTER 5. ISSUANCE OF THE HUD DETERMINATION
REGARDING PHA COMPLIANCE WITH
TITLE VI AND THE TITLE VI REGULATIONS
AND HUD FOLLOW-UP ACTIONS

- 5-1 INTRODUCTION. The Regional FHEO Director is responsible for providing the PHA with a written determination regarding the PHA's Title VI status and for follow-up with the PHA after a determination has been issued. Finally, the Regional FHEO Director is responsible for the review and approval of the affirmative compliance options that the PHA has selected, or for providing recommendations for alternatives for consideration by the PHA. This Chapter provides guidance to Regional FHEO staff regarding these responsibilities.
- 5-2 LETTER OF FINDINGS. The Letter of Findings provides official notification to the PHA of HUD's determination of the status of the PHA under the requirements of Title VI and the Title VI regulations. The Letter is prepared for the signature of the Regional FHEO Director. The Regional Counsel will concur on the Letter prior to dispatch to the PHA. A copy of the Letter will be sent to the Regional Public Housing Director and to the Field Office Public Housing Division Director for informational purposes.
- A. Regional FHEO staff will send the Letter of Findings, by certified mail-return receipt, simultaneously to:
1. The PHA Executive Director.
 2. The Chairman, Board of Commissioners.
- B. Information in the Letter of Findings must be clearly stated, concisely presented, accurate and complete.
1. Findings must be clearly defined and separated from any discussion of problems that are programmatic in nature. Regional FHEO staff will advise the PHA that the programmatic problem has been referred to the appropriate HUD program office for follow-up and correction.
 2. The Letter must inform the PHA of all the appropriate alternatives it may take in response to the findings.

3. In a separate, clearly titled section of the Letter, Regional FHEO staff will state any specific corrective actions that are required. If any of the required actions were already proposed by the PHA as affirmative actions this section will make it clear that the action(s) under discussion are no longer optional. Regional FHEO staff will include a draft Title VI Voluntary Compliance Agreement for the PHA's consideration. (See Paragraph 5-2.)
4. In a separate, clearly titled section following the discussion of necessary corrective actions, Regional FHEO staff will provide comments to the PHA regarding any of the affirmative compliance options the PHA has indicated it wishes to take. Again, these would be optional actions that Regional FHEO staff has not included as necessary actions to correct a violation of the law or the regulation. If any of the PHA-proposed options appear to be inappropriate, Regional FHEO staff will so advise the PHA, and provide the PHA with the reasons why the PHA should reconsider the option. Regional FHEO staff will indicate specific approval for all the PHA-selected options FHEO believes are appropriate. Finally, Regional FHEO staff will offer to provide technical assistance to the PHA with respect to implementing these options.

5-3 VOLUNTARY COMPLIANCE AGREEMENT. The Voluntary Compliance Agreement is an agreement by and between the PHA and HUD, entered into voluntarily by the PHA to take steps to correct deficiencies identified by HUD from evidence submitted as part of the PHA's Self-Assessment information or as obtained by Regional FHEO staff during an on-site visit. The Agreement contains the planned actions, methods or procedures which are designed to correct existing conditions or procedures which currently operate in such a manner as to violate provisions of Title VI and HUD's implementing regulation at 24 CFR Part 1. This Agreement is a separate document from the PHACA Agreement. The format for a voluntary compliance agreement to correct specific findings of violations in the PHACA Self-Assessment process is the same as the format for agreements that are prepared in connection with the HUD-initiated Title VI compliance review process.

VOLUNTARY COMPLIANCE AGREEMENT AND ENFORCING TITLE VI AND TITLE VI REGULATIONS. Regional FHEO staff will follow existing guidance and procedures for the HUD-initiated Title VI compliance review program. Regional FHEO staff will route copies of the executed Agreement in accordance with outstanding instructions for the HUD-initiated Title VI Compliance Review Program. With respect to PHA implementation of any of the affirmative actions that are not part of a special Title VI Voluntary Compliance Agreement to correct non-compliance findings, neither Regional nor Field Office FHEO staff need monitor these actions, as a special effort. However, during regular FHEO monitoring, housing management and occupancy audits and management reviews, Regional FHEO Title VI complaint investigations or subsequent Title VI compliance reviews, HUD staff will assess the PHA procedures for such options and their effect. HUD staff should be aware that PHAs that sign a PHACA Voluntary Agreement agree to keep records on the implementation of such actions and to provide information to the PHACA Resource Center.