

Guide for Review of Civil Rights-Related Program Requirements for the Community Development Block Grant (CDBG) Entitlement Program			
Name of Program Participant:			
Staff Consulted:			
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to evaluate the CDBG program participant's compliance with requirements to collect and maintain records on certain civil rights-related areas [see 24 CFR 570.506(g)]. Given the complexity of many of the records, they should all be reviewed on-site. The Exhibit is divided into six sections: Analysis of Impediments to Fair Housing Choice (AI); Area and Direct Benefit Activities; Employment; Displacement and Relocation; Minority Business Enterprises/Women's Business Enterprises; and Affirmative Action to Overcome Prior Discrimination. Failure to maintain records is an indication of noncompliance with the CDBG regulations governing record keeping. While a lack of documentation may not imply discrimination, because the participant's data are a basis for further investigating compliance with nondiscrimination requirements, the HUD reviewer is responsible for transmitting this completed Exhibit (and pertinent notes and documentation) to FHEO upon conclusion of the monitoring. To the extent that FHEO takes further action based upon the CPD reviewer's work, FHEO is responsible for advising, and working with, CPD to ensure that CRRPR issues at the participant level are effectively communicated and addressed. (Further guidance on handling identified deficiencies is provided in Sections 22-3 and 22-4 of the introduction to this Chapter.)

For the questions pertaining to the AI, prior to conducting the monitoring, the HUD CPD reviewer should request relevant information from its FHEO Field Office counterpart (e.g., not identifying known impediments; taking no actions/inappropriate actions to address identified impediments). (See also <http://www.hud.gov/offices/fheo/promotingfh.cfm> and click on the paragraph that begins, "On September 2, 2004, an Analysis of Impediments Memorandum was signed...")

NOTE: To complete the civil rights-related review of the program participant, this Exhibit is to be completed along with Exhibit 22-6, "Guide for Review of the Civil Rights-Related Program Requirements for Section 504 of the Rehabilitation Act of 1973, as amended," and Exhibit 22-7, "Guide for Review of Section 3 of the Housing and Urban Development Act of 1968."

Questions:

A. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

1.

a. Has the program participant completed an analysis of impediments to fair housing choice (AI)? [24 CFR 91.225(a)(1)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

b. If the answer to “a” above is “Yes,” when was the AI completed?
Describe Basis for Conclusion:

2.

[OS] Are there records documenting the AI and the actions taken to remedy or ameliorate impediments to fair housing choice in the program participant’s community? [24 CFR 570.506(g)(1)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

3.

a. Based on this review, is there evidence that raises questions about the accuracy of this program participant’s certification to affirmatively further fair housing (AFFH)?	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

<p>b. If the answer to “a” above is “yes,” describe the basis for challenging the program participant’s certification below (e.g., incomplete AI; not all available data were used; actions were inappropriate for identified impediments).</p>
<p>Describe Basis for Conclusion:</p>

B. AREA AND DIRECT BENEFIT ACTIVITIES

4.

<p>[OS] a. For the time period reviewed, did the program participant maintain data on the extent to which each racial and ethnic group and single-headed household (by gender of household head) applied for, participated in, or benefited from, any area and/or direct benefit programs or activities funded in whole or in part with CDBG funds? [24 CFR 570.506(g)(2)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

<p>b. Are race and ethnicity data maintained on Form HUD-27061, “Racial and Ethnic Data Reporting Form?”</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

C. EMPLOYMENT

5.

<p>[OS] For the time period and sample reviewed, did the program participant maintain data on employment for each of its CDBG-funded subrecipients in accordance with the required two categories (race and national origin) on the Equal Employment Opportunity Commission's EEO-4 form? [24 CFR 570.506(g)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

6.

<p>[OS] For the time period reviewed, did the program participant have documentation of actions undertaken to assure equal employment opportunity to all persons regardless of race, color, national origin, sex or disability for its CDBG-funded subrecipients? [24 CFR 570.506(g)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

D. DISPLACEMENT AND RELOCATION

7.

<p>[OS] For the time period and sample reviewed, did the program participant and/or its subrecipients maintain records on households displaced by CDBG-funded activities, which included: (a) race and ethnicity; (b) gender of single heads of household; and (c) addresses and census tracts of the housing units to which each displaced household relocated? [24 CFR 570.606(b)(1)]; 24 CFR 570.506(g)(4)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

8.

<p>[OS] For the time period and sample reviewed, did the participant and/or its subrecipients document efforts made to advise persons of their rights under the Fair Housing Act; the right to relocate to residences in areas of non-minority concentration at their option; and referrals for minority persons to comparable and suitable decent, safe, and sanitary replacement dwellings not located in areas of minority concentration?</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

E. MINORITY BUSINESS ENTERPRISES/WOMEN'S BUSINESS ENTERPRISES

9.

<p>[OS] For the time period reviewed, did the program participant have records showing:</p> <p>(a) The race and ethnicity of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with CDBG funds;</p> <p>(b) Data indicating which of these entities are women's business enterprises as defined in Executive Order 12138; and</p> <p>(c) The amount of the contracts or subcontracts? [24 CFR 570.506(g)(6)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

10.

<p>[OS] For the time period reviewed, did the program participant maintain documentation of affirmative steps to assure that minority business and women’s business enterprises had an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services? [24 CFR 570.506(g)(6)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

F. AFFIRMATIVE ACTION TO OVERCOME PRIOR DISCRIMINATION

11.

<p>a. Have the courts or HUD found that the program participant or any of its subrecipients previously discriminated against persons on the grounds of race, color, national origin, or sex in administering the CDBG program?</p>	<p><input type="checkbox"/> <input type="checkbox"/> Yes No</p>
<p>Describe Basis for Conclusion:</p>	

<p>b. If the answer to “a” above is “yes,” does the program participant have documentation of the affirmative action measures taken to overcome prior discrimination? [24 CFR 570.506(g)(7)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p>Describe Basis for Conclusion:</p>	