



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Fair Housing and Equal Opportunity
451 7th Street, SW
Washington, DC 20410

Executive Order 14074, Section 20: HUD Agency Report Summary (May 1, 2023)

Executive Order 14074 (“the EO”) directed Federal grantmaking agencies to review their “implementation and administrative enforcement of Title VI of the Civil Rights Act of 1964” (“Title VI”) in connection with law-enforcement-related grants “to ensure that [they are] providing sufficient oversight and accountability regarding the activities of [their] federally funded recipients.”¹ The Office of Fair Housing and Equal Opportunity (“FHEO”) evaluated the Department’s law enforcement-related grants and methods for reviewing and enforcing civil rights compliance of recipients carrying out law enforcement-related programs and activities. Per DOJ’s direction, this evaluation focused on funds supporting policing operations, such as the training, hiring, and retention of law enforcement officers and the development of policing practices, and did not include an evaluation of the various uses of HUD funds for capital expenditures, such as investments in physical security infrastructure. The following is a summary of the conclusions from this report.

The Department generally does not make grants specifically for law enforcement activities, but recipients of certain HUD grants are allowed to use those funds to carry out certain types of law enforcement activities.²

- HUD administers **operating support funds for affordable housing providers**. This operating support can be used for certain types of law-enforcement activities for the public and private housing providers that HUD funds:
 - **Public Housing Agencies** (“PHAs”) have a statutory obligation to plan “for measures to ensure the safety of public housing residents” in consultation with law enforcement agencies (“LEAs”),³ and PHAs may use their annual Operating and Capital Fund Program allocations from HUD to fund “anticrime and antidrug activities” such as providing security “above-baseline police service.”⁴ PHAs provide above-baseline policing by (1) employing in-house security staff, which may include administering a PHA police force or (2) by contracting with LEAs to provide special patrols or other forms of policing on and around the HUD assisted

¹ Exec. Order No. 14,074, 87 Fed. Reg. 32,945 (May 25, 2022), *available at* <https://www.federalregister.gov/d/2022-11810/p-182>.

² The Indian Housing Block Grant (IHBG), Indian Community Development Block Grant (ICDBG), and Native Hawaiian Housing Block Grant (NHHBG) allow the expenditure of funds on “crime prevention and safety activities,” 42 U.S.C. §§ 4132, 5305(a)(8); 24 C.F.R. §§ 1000.102, 1003.201(e), 1006.220; but the IHBG and ICDBG statutes contain certain Title VI exemptions, *see* 25 U.S.C. § 4131(b)(6); 42 U.S.C. § 5306(a)(1).

³ 42 U.S.C. § 1437c–1.

⁴ 42 U.S.C. § 1437g (e)(1)(C).



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housing site. PHAs may also provide above-baseline policing by allowing “police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit.”⁵

- Multifamily housing providers receiving subsidies through the Department’s **Project Based Rental Assistance** (“PBRA”) program may use funds for project security costs. Housing providers may request subsidy increases to cover new costs.⁶
- State and local governments that are **Community Development Block Grant** (“CDBG”) recipients may use grant funds for code enforcement and for “crime prevention” activities, such as “community-oriented policing programs above and beyond normal staffing levels.”⁷ Some grantees allocate funds to LEAs to carry out these programs.
- Public safety is a component of grantee selection for the **Choice Neighborhoods** program. Applications are scored on need, evidenced in part by relatively high crime rates, and submission of a Transformation Strategy, including a “public safety” plan – and awarded funds may be used for activities that “contribute to public safety.”⁸

It is also important to note that Title VI covers “all of the operations of a department, agency, special purpose district, or other instrumentality of a State or of a local government” extended financial assistance directly or through contractual or other arrangements.

HUD has received and investigated a number of complaints alleging civil rights violations concerning grantees' law enforcement-related activities, such as crime-free housing programs, targeted policing initiatives, denials or terminations of housing assistance for criminal activity, and coordination with LEAs on tenant monitoring.

HUD remains committed to its duty to enforce Title VI.

⁵ 24 C.F.R. § 960.505.

⁶ 24 CFR § 5.661; Occupancy Requirements of Subsidized Multifamily Housing Programs (4350.3), ch. 5, https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsg/4350.3.

⁷ 24 C.F.R. 570.201(e); CDBG Matrix Code Definitions, A-7, <https://files.hudexchange.info/resources/documents/Matrix-Code-Definitions.pdf>.

⁸ HUD, PIH, FY 2022 Choice Neighborhoods Implementation Grants NOFO, https://www.hud.gov/sites/dfiles/PIH/documents/Foa_Content_of_FR-6600-N-34.pdf.