

CHAPTER 9

CHAPTER 9. THE EQUAL OPPORTUNITY HOUSING PLAN

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9-1. PURPOSE OF THE EQUAL OPPORTUNITY HOUSING PLAN.

a. Pursuant to Sections 882.204(b) and 882.503(b) of the Regulations, applicants for a Section 8 Existing Housing or Moderate Rehabilitation Program must submit an Equal Opportunity Housing Plan (EOHP), (A sample format for an EOHP can be found in Appendix 19).

b. The EOHP shall demonstrate that the PHA's program(s):

(1) Will be administered on a nondiscriminatory basis in the selection of program participants and the provision of services, and if the applicant has previously discriminated in administering its program, will provide for affirmative action to overcome the effect of past discrimination in accordance with Title VI of the Civil Rights Act of 1964 and the HUD Regulations (24 CFR Part 1). In administering its program, the PHA shall not utilize criteria or methods of administration which have the effect of discriminating against persons on the basis of their race, color, creed, national origin, handicap or sex. The PHA shall not undertake any action which defeats or impairs the availability of a HUD-financed program or activity with respect to any persons on the basis of their race, color, creed, national origin, handicap or sex;

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(2) Will provide employment opportunities pursuant to the Equal Employment Opportunity clause of the ACC;

(3) Will affirmatively further the National Fair Housing policy pursuant to Title VIII of the Civil Rights Act of 1968 by promoting a wider choice of housing opportunities for minorities and female-headed households;

(4) Will promote abandonment of discriminatory practices and prevent discrimination in accordance with the requirements of Executive Order 11063.

c. The requirements of the Civil Rights laws and Executive Order cited in paragraph b above, are incorporated in 24 CFR Part 882.

The specific sections of Part 882 which provide the requirements for the EOHP are cited in paragraph 9-5.

9-2. CONTENTS OF THE EOHP.

- a. The EOHP consists of a statement of the actions which the PHA intends to undertake in order to meet the Objectives set forth in paragraph 9-5.
- b. Information provided by the PHA regarding the actions to be taken to fulfill a specific Objective shall be stated under a heading citing the number of that Objective (see Appendix 19). A separate sheet shall be used for each such heading. On a covering sheet, the PHA shall state its name, address (street, city/county, State, zip code), telephone number, number of units applied for by bedroom distribution, and the program type (Existing Housing or Moderate Rehabilitation).
- c. The PHA may request assistance in designing the EOHP from the Fair Housing and Equal Opportunity (FH&EO) Division of the Field Office.
- d. Upon PHA completion of the EOHP, the person authorized to commit the PHA to the EOHP shall sign at the bottom of the covering page. Below this signature, the name and official position of the signer to the EOHP shall be typed or printed, together with the date the EOHP is signed.

9-3. SUBMISSION OF THE EOHP.

a. The PHA shall submit the EOHP for the Existing Housing Program to HUD together with a signed Form HUD-916, Certification of Compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063 (Appendix 20). For the Moderate Rehabilitation Program, the PHA shall submit Form HUD-920 (Appendix 20-2). The EOHP and the Form(s) may accompany the PHA's application for an Existing Housing or Moderate Rehabilitation project or may be submitted after application approval, but not later than with the PHA-executed ACC.

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b. The submission of the EOHP does not relieve the PHA of its duty to fulfill the obligations which the PHA undertakes in certifying its compliance with Title VI, Title VIII, and Executive Order 11063 and in signing the ACC, the terms and conditions of which require the PHA to comply with these laws and provide for equal employment opportunity.

c. The acceptance of the EOHP by HUD does not relieve the Department of its responsibility to secure compliance with Title VI, Title VIII, Executive Order 11063 and Section 2.6 of the ACC. HUD may recommend changes in the EOHP whenever necessary and appropriate in order to achieve equal housing opportunity objectives.

9-4. REVISIONS TO AN EXISTING EOHP.

a. Whenever HUD revises program requirements which alter the content of the EOHP by adding additional elements, the PHA shall promptly make appropriate changes to its EOHP and submit them in writing to HUD for review.

b. HUD may request changes to an existing EOHP whenever HUD deems such changes are necessary and appropriate in order to achieve equal housing opportunity objectives. Normally a request for change, if found necessary, would be made following a regularly scheduled HUD management review of PHA operations, an EO monitoring visit, or a civil rights compliance review.

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c. When the PHA which is already administering a Section 8 Existing Housing or Moderate Rehabilitation Program submits an application for additional units, the provisions of paragraph 3-5 f shall apply. Further, a PHA applying for the Moderate Rehabilitation Program which has an approved EOHP for the Existing Housing Program, need not resubmit the entire EOHP and may incorporate by reference applicable Sections within the Objectives.

9-5. OBJECTIVES OF THE EOHP. The Objectives which the PHA shall meet by undertaking specific actions as described in its EOHP are set forth in this paragraph. For each Objective, reference is made to the Sections of Part 882 which establish the requirements under that Objective. Following such references, a list is given of the type of actions the PHA shall address and may be obligated to undertake to achieve the required Objectives.

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a. Outreach to Low-Income Families.

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(1) OBJECTIVE I: Utilization of sufficient and appropriate means to bring information on the PHA's program to a full cross-section of the eligible population.

(2) Section 8 Regulations: Sections 882.204(b)(1)(i)(A) and

882.207(a); 882.503(b)(1)(i)(A) and 882.516(a). For the Moderate Rehabilitation Program, this Objective is applicable if the PHA's waiting list for applicants for the Existing Housing Program is inadequate or if an Existing Housing Program is not operational in the locality.

(3) In the EOHP under the heading Objective I, the PHA shall indicate for its Existing Housing or Moderate Rehabilitation Program(s):

(a) The media to be used (name and type).

(b) Other suitable means to be used, if any, to convey information on the program to the eligible population. Examples of other suitable means include the use of brochures, leaflets, handouts, contacts with community groups, posted notices, neighborhood papers, and community organization newsletters.

(c) The group or groups less likely to apply, if any. In determining if a particular group is less likely to apply, the PHA should compare the race, ethnicity, age and gender of household heads in need of assistance as stated in Table II of the local HAP to the characteristics of households who have applied for this or other assisted housing programs in the locality. Within each of these categories, the PHA should determine if a certain segment is less likely to apply; e.g., minority and/or handicapped elderly, persons not receiving public assistance, non-English speaking households.

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(d) The special outreach actions which the PHA believes are necessary and appropriate to inform persons less likely to apply. Examples of actions which the PHA might take include: contacting community organizations which primarily serve such persons and providing information on the program to local public and private employers with significant numbers of lower-income employees, and to local public and private employment agencies and union halls, requesting that they provide this information to lower-income persons with whom they come in contact.

(e) Whether an "expected to reside" need is identified in a local PHA and, if so, the special outreach actions to

be taken to inform persons "expected to reside."
Examples of actions which the PHA might take include:
actions suggested above, geared specifically to
non-resident workers; providing information on its
program to employment agencies, union halls, and
organizations which provide housing services for
lower-income families in surrounding communities;
posting notices in public transportation terminals and
providing billboard ads on roads used by persons
commuting to work in the community.

b. Housing Opportunities for Families Outside Areas of Low-Income
and Minority Concentration.

(1) OBJECTIVE II: Utilization of sufficient and appropriate
means to secure (1) listings of units for the Existing
Housing Program, or (2) the participation of owners for the
Moderate Rehabilitation Program (if the objective of the
program will be deconcentration outside areas of minority
and low-income concentration) and to facilitate, to the
greatest extent feasible, leasing of such units by
participants.

(2) Section 8 Regulations: Sections 882.204(b)(1)(i)(B);
882.208(a); 882.208(b)(2), (3) and (4); 882.209(c)(3);
882.517(c)(1)(ii) and (iii).

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(3) In its EOHP under the heading Objective II, the PHA shall
describe for its Existing Housing Program or, if
applicable, Moderate Rehabilitation Program:

(a) The media to be used (name and type).

(b) The actions to be taken to contact and develop working
relationships with and explain the benefits and
requirements of the program to local owners, real
estate brokers, and civic, charitable or neighborhood
organizations in particular to secure listings of units
or participation of owners of units needing moderate
rehabilitation in areas other than low-income and
minority areas. Various methods of outreach may be
appropriate in order to achieve as broad a
participation as possible by owners. Examples of
actions which the PHA might take include: phone calls,

letters and/or personal contact with individual owners or property managers and brokers; special group presentations on the PHA Program; distribution of special brochures for owners or managers and brokers; news articles and other media presentations geared to owners or managers and brokers.

(c)The actions to be taken to provide Certificate Holders selected to participate in the Existing Housing Program or families selected to participate in the Moderate Rehabilitation Program with information on local, State and Federal fair housing laws and use of the Form HUD-903 (Form HUD-903A Spanish version) complaint form.

(4)The PHA shall describe the following items, in its EOHP, only for its Existing Housing Program:

(a)The actions to be taken to provide Certificate Holders with information as to the locations and characteristics of neighborhoods in which suitable units may be found and the listings the PHA has secured of units (in particular, units outside low-income and minority areas). Examples of actions

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the PHA might take include: preparing a map showing general neighborhood locations, type of facilities and services available (i.e., schools, day care, health care, transportation, stores), and indicating those neighborhoods in which units are located which have been listed with the PHA; preparing handout materials giving information on neighborhoods and available units; counseling individual families desiring to move.

(b)The actions to be taken to assist Certificate Holders who are unable to find an approvable unit and request such assistance. Based on family circumstances, such assistance may include transportation, escort, babysitting and other services; referrals to agencies which may assist families in locating housing; and verifying the availability of a unit before a family's visit. The PHA should consider undertaking to provide such assistance specifically to families seeking housing in neighborhoods which traditionally have been inaccessible to lower-income and/or minority families. Describe what, if any, assistance will be provided for this purpose.

(c)The geographical area in which Certificates issued by the PHA may be used. Indicate: whether or not this area is larger than the jurisdiction in which the PHA has normally operated (e.g., for administering a Low-Income Public Housing Program); and the specific actions to be taken, if any, to promote the broadest geographical choice of units by Certificate Holders as encouraged by Section 882.103(c). Examples of actions the PHA may take include:

1Seeking participation of owners in any area (including outside the jurisdiction in which the PHA is located) in which the PHA has determined that is not legally barred from entering into Contracts.

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2 Advising families of their opportunity to lease housing in all such areas.

3Use of extraterritorial provisions of State law.

4Seeking determination by PHA's counsel that HAP Contracts may be executed outside the PHA's normal area of jurisdiction.

5Developing administrative arrangements with other PHAs in order to permit Certificate Holders to seek housing in the broadest possible area; e.g., establishing joint referral services and application pools.

c.Equal Opportunity in Taking Applications and in the Selecting of Certificate Holders or Applicants to be Referred to Owners of Vacant Moderately Rehabilitated Units.

(1)OBJECTIVE III: Utilization of methods and criteria which assure to all applicants equal opportunity in taking applications and selecting Certificate Holders or applicants to be referred to owners of vacant moderately rehabilitated units.

(2)Section 8 Regulations: Sections 882.204(b)(1)(i)(C); 882.209; 882.503(b)(1)(i)(C); 882.509(e); 882.516; and 882.517.

(3) Pursuant to the requirements of Title VI, Title VIII, and Executive Order 11063, the PHA shall establish a system for taking, processing and filing applications and for selecting Certificate Holders or applicants to be referred, to owners of vacant moderately rehabilitated units which assures an equal opportunity to all applicants regardless of race, creed, color, national origin or sex.

(4) In its EOHP, under the heading Objective III, the PHA shall indicate for its Existing Housing or Moderate Rehabilitation Program(s):

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- (a) The system for taking, processing, and filing applications. In establishing the date on which the PHA will begin to take applications, the PHA should allow for time prior to taking applications to conduct special outreach efforts to persons less likely to apply and persons "expected-to-reside" (if the local HAP identifies an "expected-to-reside" need) to assure that such persons may be as informed of the opportunity to apply for Certificates or the Moderate Rehabilitation Program as those who can be expected to apply without special outreach efforts being made to inform them of the Program. In addition, families living in units designated for moderate rehabilitation may be assisted without being placed on the PHA's waiting list.

(b) Preference or priority categories in order, if any. Preferences or priorities, consistent with the Civil Rights Statutes and Sections 882.209(a)(2), (e)(2), 882.516, and 882.517(b), (d)(1) and (3), (e) and (f) may be established for the selection of Certificate Holders or applicants to be referred to owners of vacant moderately rehabilitated units. Examples of preferential categories under the Existing Housing Program are: emergencies in which families have no housing available; displaced families; families in substandard housing and paying more than 25 percent of their income for rent; families in substandard housing or who are paying more than 25 percent of their income for rent. If the Moderate Rehabilitation Program is being concentrated in a neighborhood, a preference may be established for applicants currently residing in that neighborhood who are being directly displaced by

HUD programs.

(c)The method to be used to select Certificate Holders or applicants to be referred to owners of vacant moderately rehabilitated units from among eligible applicants within those categories. Subject to any reasonable preferences or priorities related to Program goals, the process of selecting Certificate

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Holders or applicants to be referred to owners of vacant moderately rehabilitated units may be on the basis of random selection rather than first come, first served.

(d)The PHA shall inform all applicants concerning the system to be used to select Certificate Holders or applicants to be referred to owners of vacant moderately rehabilitated units.

d.Services and Assistance to Families Alleging They Have Encountered Discrimination.

(1)OBJECTIVE IV: Provision of effective assistance to Certificate Holders or applicants referred to owners of moderately rehabilitated units who believe they have encountered discrimination in seeking a unit.

(2)Section 8 Regulations: Sections 882.103(a); 882.204(b)(1)(i)(D) and 882.509(e)(3).

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(3)In its EOHP, under the heading Objective IV, the PHA shall indicate:

(a) For its Existing Housing Program, what services in finding a unit the PHA will provide to the Certificate Holder who alleges illegal discrimination. Such services should be similar to those listed under Objective II (see paragraph 9-5 b (3)(b)).

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(b) For its Existing Housing or Moderate Rehabilitation Program, the persons responsible for providing assistance to Certificate Holders or applicants referred to owners of vacant moderately rehabilitated units who allege they have encountered

discrimination, and the training such persons have received or will receive. If a Certificate Holder or applicant believes he or she has encountered discrimination, and so indicates to the PHA, the PHA shall inform the Certificate Holder or applicant of his or her rights under Federal, State and local

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law including the right to file a formal complaint under one or more of these laws. Should the Certificate Holder or applicant desire to file a complaint under Title VIII of the Civil Rights Act of 1968, the PHA shall assist this person in completing Form HUD-903 (Form HUD-903A Spanish version) or refer the person to a local fair housing organization or the HUD Area, Service, or Insuring Office, where such assistance can be obtained.

e. Use of a Fair Housing Organization or Organization Serving the Handicapped.

(1) OBJECTIVE V: Utilization of experience and expertise outside the PHA to promote, in as effective a manner as possible, equal opportunity and fair housing in the PHA's Section 8 Existing Housing or Moderate Rehabilitation Program. The PHA is not required to subcontract with a local fair housing organization or organization serving the handicapped. However, HUD encourages PHAs to consider utilizing such organizations in particular where their experience in dealing with housing problems of lower-income minorities or the handicapped or disabled can provide valuable assistance to PHAs in the administration of their programs.

(2) Section 8 Regulations: Section 882.204(b)(1)(ii) and Section 882.503(b)(4)(i).

(3) If the PHA decides to subcontract with a fair housing organization or organization serving the handicapped, it should indicate in its EOHP under the heading Objective V the name of the organization and the services the organization will provide. Examples of actions the organization might take include:

(a) Providing information on the Program, through meetings and other suitable means (other than through advertisement in news media) to owners of units in

areas outside low-income and minority areas and to owners of units occupied by handicapped or disabled individuals which need to be made accessible to these individuals.

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(b) Securing listings of units suitable for the Existing Housing Program in a full range of neighborhoods in which housing of suitable price and quality may be found, locating units which are accessible to the handicapped or disabled, or securing the participation of owners of units needing moderate rehabilitation.

(c) Briefing Certificate Holders on the general locations and characteristics of the full range of neighborhoods in which such housing may be found; and briefing Certificate Holders or families selected to participate in the Moderate Rehabilitation Program on the significant aspects of Federal, State and local fair housing laws.

(d) Providing assistance to Certificate Holders who desire to find housing in neighborhoods which traditionally have been inaccessible to lower-income and/or minority families.

(e) Facilitating inter-jurisdictional moves of Certificate Holders.

(f) Providing assistance in finding units and in filing complaints to families who allege that they have encountered discrimination in their housing search or in the referral of housing.

(g) Providing other advice and assistance to the handicapped and disabled as necessary and appropriate.

(4) Enter the name of the subcontractor and the estimated amount of the contract on Line 240 of Form HUD-52671 -- Section 8 Housing Assistance Payments Program, Initial Estimate of Required Annual Contributions.

(5) Such subcontracting does not relieve the PHA of its responsibilities under the ACC and the Section 8 Existing Housing or Moderate Rehabilitation Program Regulations.

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f. Equal Employment Opportunity.

(1)OBJECTIVE VI: Utilization of employment policies and practices which assure equal opportunity to all employees and applicants for employment regardless of race, color, creed, religion, sex, handicap or national origin.

(2)Section 8 Regulations: Section 882.111 and Section 882.408. Section 2.6 of the ACC requires that the PHA not discriminate in its employment policies and practices against any person on the basis of race, color, creed, religion, sex, handicap, or national origin. The PHA is also required to take affirmative action to assure nondiscriminatory treatment in all phases of employment.

(3)In its EOHP, under the heading Objective VI, the PHA shall provide:

(a)A statement of the existing or proposed staffing pattern for the operation of the PHA's Section 8 Existing Housing or Moderate Rehabilitation Program by position, race, national origin, gender and salary of each employee, where known. (Indicate those staff members who were employed by the PHA in other programs prior to the beginning of the Existing Housing or Moderate Rehabilitation Program).

(b)A description of the affirmative actions the PHA has taken or will take in its employment practices relative to its Section 8 Existing Housing or Moderate Rehabilitation Program.

g.Training, Employment and Contracting Opportunities for Businesses and Lower-Income Persons - (Applicable only to the Moderate Rehabilitation Program).

(1)OBJECTIVE VII: Equal Opportunity for participation in the Moderate Rehabilitation Program for minority and Section 3 businesses.

(2)Section 8 Regulations: Section 882.111 and Section 882.408. Section 2.7 of the ACC requires the PHA to comply with Section 3 of the Housing and Urban Development Act of 1968, as amended. The PHA is also required to certify that it is under no contractual or other form of disability which would

prevent it from complying with these requirements.

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- (3) In its EOHP, under the heading Objective VII, the PHA shall provide a description of the actions to be taken by the PHA in developing and maintaining lists of local minority and Section 3 businesses for use by owners rehabilitating units under the Program.

h. Recordkeeping.

(1) OBJECTIVE VIII: Maintenance of well organized, complete records to facilitate HUD's monitoring and review of PHA operations, in particular as they relate to PHA actions to fulfill the objectives of the PHA's EOHP.

(2) Section 1.6 of 24 CFR Part 1, HUD Regulations pursuant to Title VI of the Civil Rights Act of 1964, provide that each recipient of Federal assistance shall keep records and submit to the responsible HUD official or her/his designee timely, complete, and accurate compliance reports, at such times and in such form and containing such information as the responsible HUD official may determine to be necessary to enable him/her to ascertain whether the recipient has complied with Title VI.

(3) By signing Form(s) HUD-916 or 920, (Certification of Compliance with Title VI, Title VIII and Executive Order 11063) and its EOHP, the PHA certifies that records shall be maintained on the following:

(a) All newspaper and paper advertisements relative to the availability of the program.

(b) All applications received, nature and date of eligibility determination, and date applicant is selected as a Certificate Holder or family eligible to participate in the Moderate Rehabilitation Program (maintain for three-year period, beginning with date of determination of ineligibility, records pertaining to ineligible applicants).

(4) Contacts made with community organizations, employers, union halls, etc., which the PHA made as part of the

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PHA's special outreach efforts to attract persons whom the PHA identified as "less likely to apply," as well as persons "expected to reside."

(5)The names of owners, real estate broker associations and other organizations contacted.

(6)Listings secured by the PHA of all units offered by owners (maintain for one-year period).

(7)All materials used to brief Certificate Holders on locations and characteristics of neighborhoods in which suitable units may be found, significant aspects of Federal, State and local fair housing laws, and use of Form HUD-903 (Form HUD-903A Spanish version).

(8)Specific types of assistance given to:

(a)Certificate Holders who cannot find an approvable unit and request such assistance.

(b)Families who allege that discrimination is preventing them from finding an approvable unit or moving into a moderately rehabilitated unit.

(c)Certificate Holders who desire to move into neighborhoods outside areas of minority and low-income concentration, if such assistance is given.

9-6.EOHP PERFORMANCE STANDARDS. PHA performance under the EOHP will be evaluated as detailed in Chapter 5 against the standards as stated in OBJECTIVES I, II, III, IV, VII and VIII, as applicable.

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