

I. Purpose

This Fair Housing and Equal Opportunity Manual (FHEO) Manual is intended to assist a grantee, funded by the Commonwealth of Pennsylvania's (Commonwealth) Department of Community and Economic Development (DCED), in fulfilling expectations related to fair housing and equal opportunity under federal programs administered by the U.S. Department of Housing and Community Development (HUD). These programs include federal housing and community development programs that make grant awards possible to many communities throughout the Commonwealth, including the Community Development Block Grant Program (CDBG), CDBG Disaster Recovery (CDBG-DR), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant Program (ESG).

A grantee using the Manual should note that it is a supplement to the grant award package. Upon acceptance of a grant, under one or more of the above federal programs, the grantee has certified and accepted responsibility for compliance with the civil rights requirements that provide for basic fair housing and equal opportunity protections contained in the Statement of Assurances (See **Appendix 1**). Grantees are advised to refer to both those assurances and the contents of this Manual to gain a full understanding of the wide range of cross-cutting requirements that supplement the specific program rules and regulations associated with each grant award. This Manual will provide the grantee with an understanding of its responsibilities and offer guidance in carrying out these obligations.

This presents an overview of the expectation that grant recipients will assure equal opportunity and fair housing when undertaking each HUD funded activity; explains the meaning of the official certifications which make such assurances of local responsibility; discusses how DCED grantees should use the Manual to accomplish a successful and compliant program; and identifies where to find additional guidance as well as whom to contact for further information.

A. Overview

This Manual describes the characteristics of fair housing and equal opportunity requirements and how the expectations for implementing the obligations are different depending on each specific program's guidelines. FHEO requirements are set apart from other federal requirements because of their basis in constitutional law. Civil rights related laws are an extension and interpretation of the equal protection and due process clauses of the United States Constitution. Civil rights laws prohibit discrimination on several different grounds, including based on "classes" or population groups. These groups include: racial and ethnic groups, e.g. Whites, Blacks, Hispanics, Asians/Pacific Islanders, and Native Americans; gender groups; groups distinguished by age or religion; handicapped persons, etc.

Most civil rights laws are expressed in terms of prohibiting discrimination. The regulations established to implement these laws, such as those for Title VI of the Civil Rights Act of 1964, frequently describe the types of actions that are prohibited. Other laws, regulations, executive orders and directives, however, may describe affirmative actions that a grantee must take to address past discrimination when receiving federal funds. Because HUD administers the grant funding awarded to Pennsylvania and, in turn, the Commonwealth oversees each funded community in the state, all authorized uses of that grant funding by the Commonwealth's subrecipients are subject to the requirements.

B. Certifications

As a condition of receiving federal housing and community development grant funds, the Commonwealth and each community or grantee that accepts these funds from the Commonwealth must certify that it will comply with basic fair housing and equal opportunity requirements.

By completing the required certifications, the Commonwealth assumes a specific legislative mandate to enforce the provisions of the laws ranging from the Civil Rights Act of 1964, to the Fair Housing Act of 1968, and well beyond to "All Other Applicable Laws." Various legal authorities require that the Commonwealth:

- Certify that its grant programs will be conducted in compliance with all applicable civil rights laws, regulations, executive orders and directives;
- Conduct its grant programs in a manner that will not cause discriminatory effects;
- Assure that all funded activities are carried out in a manner that will not cause discriminatory effects;
- Take affirmative action, where discrimination has been found in the past, to overcome the effects of past discrimination; and
- Provide for equal opportunity in employment and contracting opportunities connected with its grant programs.

The Commonwealth's grantees make assurances that they will carry out those obligations in cooperation with the Commonwealth. The Statement of Assurances for CDBG grantees appears as **Appendix 1** is typical of statements for other grant programs. These certifications mean that jurisdictions do not discriminate in the use of federal funds and that they are affirmatively furthering fairness and equal opportunity for individuals and groups protected by the federal and state laws and their regulations. For example, states or communities, like the Commonwealth, that directly receive federal funds from HUD must meet this obligation by conducting an assessment of fair housing issues as part of their consolidated planning process for housing and community development programs under the Code of Federal Regulations (CFR) 24 Part 91. The assessment is used to identify barriers to fair housing and to develop and implement strategies or actions to overcome these issues. In Pennsylvania, the Commonwealth has conducted an Analysis of Impediments to Fair Housing Choice (2015), and it requires its grantees that receive federal funding to cooperate in carrying out recommendations and actions from the analysis. Such effects of the certifications or assurances made by small cities and other jurisdictions funded by the state, will frame much of the guidance contained in this Manual.

C. Use of the Manual

HUD's and the Commonwealth's civil rights laws, regulations, executive orders, and directives such as those for Title VI, frequently describe the types of actions which are prohibited, but do not prescribe a set of specific actions a grantee must take to conform with civil rights requirements. Grantees, therefore, may implement their program in a variety of ways consistent with civil rights objectives and requirements.

Figure 1: Sample Implementation

Figure 1 describes procedures grantees may take in implementing activities in meeting their certifications of compliance with civil rights laws. Although not all the procedures and activities are specifically required, grantees must implement similar procedures and activities to fully comply. Use of this Manual will offer guidance to administer a grant-funded program in compliance with the requirements in the Commonwealth of Pennsylvania.

As these requirements affect every aspect of grant program administration from policy development, to program planning and design, program implementation, performance reviews and grantee reports, this Manual is designed to provide grantees guidance for implementing all the above phases of their Program.

D. Further Information

Additional information on the Commonwealth's Consolidated Plan, Annual Action Plans, Consolidated Annual Performance Evaluation Report and Fair Housing may be found on <http://dced.pa.gov/library>

Detailed guidance on the Commonwealth's federally funded programs administered by DCED may be found at <http://dced.pa.gov/programs-funding/>

Questions may be directed to:

Fair Housing Compliance Officer
Department of Community and Economic Development
Center for Compliance, Monitoring and Training
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

- ✓ *Establish a local government policy that supports nondiscrimination in housing as well as in public facilities and services with full opportunity for persons to live in communities without regard to race, color, religion, sex, or national origin, familial status, disability, age, ancestry, or use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals*
- ✓ *Provide equal opportunity to receive training, employment contracts, and investment opportunities generated by economic development ventures*
- ✓ *Assign responsibility for carrying out fair housing requirements to a specific staff member*
- ✓ *Advertise hearings and public statements in media and publications available to protected groups and/or in a way that serves those with limited English proficiency.*

Phone: (717) 720-7404 (800) 379-7448 TDD: (717) 346-0308
Fax: (717) 214-5399
Email: ra-dcedCDBGhomequestions@pa.gov
Website: <http://dced.pa.gov>

Right-to-Know (RTK) Requests: A written request to the Agency under the RTKL must be addressed to the Agency Open Records Officer (AORO) at:

Deputy Agency Open Records Officer
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120

Phone: (717) 783-8452
Fax: (717) 772-3103
Email: rtk-dced@pa.gov
Website: Information on submittals: <http://dced.pa.gov/right-to-know-requests/>

E. Appendix

1. Statement of Assurances (CDBG)