

# Civil Rights and Fair Housing Requirements

(Minnesota Guide 8/06)

## Major Civil Rights and Fair Housing Laws Affecting the MFH Program

- Equal Credit Opportunity Act (ECOA)
- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Executive Order 11063 as Amended by Executive Order 12259
- Executive Order 11246
- Executive Order 12898
- Fair Housing Amendments Act of 1988
- Americans with Disabilities Act (ADA)

If property is subject to more than one law and the requirements differ, the most stringent requirements will be followed.

## Definitions

7 CFR 3560.11

- Disability
- Disabled domestic farm laborer
- Elderly household or individual with a handicap household
- Elderly person
- Familial status

## Civil Rights and Fair Housing Requirements

HB-2-3560 Appendix 5

Includes:

- Overview of laws and respective requirements
- Grid of architectural accessibility requirements
- Self-evaluation and transition plan requirements and monitoring
- Frequently Asked Questions (FAQ) – Civil Rights related compliance issues

\*This guide was developed for reference purposes only and may not be all inclusive\*

## Project Design Requirements

7 CFR 3560.60 (d)

All MFH properties must meet:

- Accessibility requirements contained in Section 504 of the Rehabilitation Act
- The requirements of the Fair Housing Act
- The requirements of the Americans with Disabilities Act

For new construction:

- At least 5 percent of units must be constructed as fully accessible to persons with disabilities
- The mix of accessible unit sizes (i.e. 1-, 2-, or 3-bedroom) should be comparable to the overall mix of unit sizes and distributed throughout the project
- Uniform Federal Accessibility Standards (UFAS) will be followed

For existing properties:

- The 5 percent requirement will apply when making substantial alterations to the project

When architectural standards differ, the most stringent standard will be followed.

## General Provisions – Civil Rights

7 CFR 3560.2

HB-2-3560 Chapter 1 Section 3 Paragraph 1.7

HB-2-3560 Chapter 1 Attachment 1-A

- All advertising, rental, sale, or other residential real estate actions taken by loan or grant recipients will be conducted without regard to race, color, religion, sex, familial status, national origin, age, or disability
- It is unlawful to refuse to make reasonable accommodations for persons with a disability
- Loan and grant recipients must ensure that Limited English Proficiency (LEP) persons receive necessary language assistance
- Borrowers or grantees that fail to comply with federal Civil Rights requirements are subject to sanctions authorized by law
- Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating

## General Provisions – Fair Housing

7 CFR 3560.104

HB-2-3560 Chapter 6 Section 4 Paragraph 6.17

- Affirmative Fair Housing Marketing Plan (AFHMP) required for projects with four or more units
- Community contacts must include special interest organizations
- Marketing and advertising media (newspaper, TV or radio ads, flyers, brochures, project sign) must include EHO statement, slogan, or logotype
- Rental staff must be trained on Federal, state, and local laws
- Borrower must furnish appropriate auxiliary aids (electronic, mechanical, or personal assistance) for persons with a disability to participate in and enjoy full benefits of the project
- Telecommunication devices for deaf persons must be available for communications by phone
- Properly marked handicapped parking spaces must be provided – if there is an office, the designated parking must be van accessible
- Must be a continuous unobstructed ingress and egress accessible route, through an accessible entrance, and to accessible common areas and living area

## Project Management

7 CFR 3560.102 (b) (1) (viii)

7 CFR 3560.102 (b) (1) (xii)

HB-2-3560 Chapter 3 Attachment 3-A (#3 and #5)

Management Plan must:

- Include plans and procedures for marketing, achieving and maintaining occupancy, and compliance with AFHMP
- Describe how applicants and tenants will be informed of owner's responsibility to provide reasonable accommodations
- Describe what special procedures will be used when market area includes non-English speaking or reading persons

HB-2-3560 Chapter 5 Section 1 Paragraph 5.3 C

- Required management policies and procedures related to accessibility issues

## Project Occupancy

7 CFR 3560.154

HB-2-3560 Chapter 6 Section 4 Paragraph 6.18

HB-2-3560 Chapter 6 Section 5 Paragraph 6.22

- Application for Occupancy must include data collection (race, ethnicity, and sex) and disclosure notice below the signature and date block
- The race and ethnicity of each applicant will be recorded on the waiting list
- Eligible applicants who require the special design features of a handicapped accessible unit have priority for those units

7 CFR 3560.157 (b) (11) and (e)

HB-2-3560 Chapter 6 Section 3 Paragraph 6.15 B

Occupancy Rules must:

- Address the procedures tenants must follow to request reasonable accommodations
- Not prohibit service or assistance animals and borrower may not require those households to pay a pet deposit

7 CFR 3560.156

HB-2-3560 Chapter 6 Section 6 Paragraph 6.25

HB-2-3560 Chapter 6 Attachments 6-E and 6-F

Leases must:

- Be available in both English and non-English languages when appropriate based on market area population
- State that the project is subject to: Title VI, Title VIII, Section 504, the Age Discrimination Act, and the ADA
- Include borrower maintenance responsibilities according to fair housing requirements

## Project Maintenance

7 CFR 3560.103 (a) (3) (xiii)

7 CFR 3560.103 (a) (3) (xiv)

- Agency standard for physical maintenance related to common area accessibility
- Agency standard for physical maintenance related to common area signage

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## Self-Evaluation and Transition Plans

HB-2-3560 Chapter 3 Section 1 Paragraph 3.5

- Standards and requirements borrowers must meet when conducting evaluations and developing plans

HB-2-3560 Chapter 3 Attachment 3-C

- Nondiscrimination policies and practices borrowers must address

## Applicant / Tenant Discrimination Complaints

7 CFR 3560.2 (c)

7 CFR 3560.160 (a) (2) and (b) (2) (ii)

HB-2-3560 Chapter 6 Exhibit 6-7

- Individuals may file a complaint of discrimination in person or by mail
- USDA Office of Civil Rights in Washington DC or Secretary of HUD