



**USDA Rural
Development**

MAINE

PROGRAM COMPLIANCE FACT SHEET

All assistance given by USDA Rural Development (as well as all Federal Agencies) is subject to various civil rights laws. A copy of the civil rights laws and executive orders affecting the delivery of Rural Development programs is attached. Please note it is the responsibility of the grantee or borrower to comply with all program requirements and laws. Rural Development's program and civil rights compliance reviews in no way lessen the responsibility of the party receiving Federal funds to comply with the law.

Here is some information concerning your compliance with program and civil rights laws that you, as a recipient of federal funds should be aware of:

I. When Reviews are Performed

An initial compliance review (pre-award) is required prior to the closing of a loan or grant. Subsequent reviews are performed within the first year and will be scheduled as often as needed to ensure compliance with the program requirements. The reviews will not be more frequent than 90 days but not more than 3 years from the date of the last review.

Reviews are conducted until:

- All loan funds have been paid in full,
- All grant funds have been expended,
- For revolving loans, until all Rural Development funds have been loaned to ultimate recipients.

Note: As long as real or personal property purchased or improved with Rural Development funds is in the ownership of the recipient and is used for the original purpose for which the assistance was granted all civil rights statutes apply.

II. What Rural Development Looks for at a Program and Civil Rights Compliance Review:

- If the "users" of the recipient's services or facility reflect the general makeup of the population of the area served by the recipient, in terms of race, sex, and national origin, disabilities, etc.
- If the makeup of the employee pool and the board of directors of the organization reflects the makeup of the general population in terms of the groups listed above.
- Obtain and review copies of by laws, regulations, policies, tenant agreements, leases and application forms. Determine if anything in these documents appears discriminatory or would discourage certain groups from applying.
- Determine if the service area has a population or a region that is composed of a group (5% or more of the population) of non-English speaking or limited English speaking persons and insure outreach will be conducted to those groups in their language.
- Look at planned advertisements, identify persons and public interest groups that have been contacted or planned to be contacted by the applicant. Determine if adequate advertisement is being conducted to insure those least likely to apply have been given proper notification and opportunities.
- Rural Development will contact in person or by telephone community organizations and leaders including minority leaders to determine if they know about the proposed project.
- If the recipient is displaying the required "And Justice for All" poster at their office(s) where they meet the public.

USDA – Rural Development

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

- That all letterheads, brochures, web pages, and advertisements contain (at a minimum) the statement that “This institution is an equal opportunity provider” and notify applicants how to file a discrimination complaint. (Housing providers are also required to have an Equal Housing Opportunity statement on brochures, letterheads, etc.) The USDA Civil Rights Statement found on the footer of this fact sheet fulfills this requirement.
- That TDD/TTY service is available to hearing/speech impaired users or potential users. Recipients must have their TDD/TTY phone number on all letterhead and advertisements or specify that hearing/speech impaired users can call the recipient by accessing the Maine Telecommunications Relay Service listed in their local phone book.
- Rural Development employees will also check for disabled access to recipient’s facilities, proper disabled signs and parking spaces and how charges are applied to users, etc.
- Rural Development will interview employees, available organization officials and members of the facility to determine if discrimination is occurring and if proper outreach is being conducted.
- If beneficiaries are required to complete an application for the use of the facility or service that you provide, you must collect data by race (American Indian or Alaska Native, Asian, Black or African American, White), ethnicity (Hispanic or Latino, Not Hispanic or Latino), and by sex (Male or Female), gender, and disability status. These records must be available to indicate the level of participation in the program by the community members, provide evidence of compliance with these laws and as an instrument to be utilized in providing outreach to those less served. This includes keeping records of all withdrawn and rejected applications. These records will be examined by Rural Development at the pre-award compliance review and at all subsequent compliance reviews. Rural Development will review all records of waiting lists, program inquiries, successful applications, rejected applicants, and withdrawn applications to determine if the rates of positive and negative actions appear to have any discriminatory practices or if statistically the negative actions are higher for any minority groups, sex, or other protected groups.
- In the case of revolving loan funds it is the responsibility of the INTERMEDIARY that the ultimate recipient is in compliance with all nondiscriminatory regulations. The ultimate recipient will need to insure that all places of public access are in ADA compliance.

III. Additional Information on Compliance with Section 504 of the Rehabilitation Act and the “American with Disabilities Act”

If the site (office or other facility) is not currently in compliance, a transition plan must be developed to bring the office in compliance over a three-year period of time. The plan will:

1. Identify physical obstacles in the grantee's facilities that limit accessibility of the program or activity.
 2. Describe in detail the method that will be used to make the facilities accessible.
 3. Specify the schedule for taking the steps necessary to achieve full program accessibility
 4. Identify the person responsible for implementation of the plan.
- USDA program recipients must afford disabled persons the opportunity to participate in and/ or benefit from any activity, service or program provided. Recipients, for example, shall take appropriate steps to insure that non-English speaking persons, and those with hearing or sight impairments have communication necessary to apply and comply with all program requirements with full knowledge. These services must be made available on a no cost basis to the applicant.
 - USDA program recipients shall take appropriate steps to notify participants, beneficiaries, applicants, and employees, that it does not discriminate on the basis of disability.
 - The USDA recipient shall state that neither themselves nor the ultimate recipient discriminates in admission, or access to or treatment or employment in, its programs and agencies.
 - All USDA *borrowers* with more than 15 employees shall designate at least one employee to coordinate efforts to comply with the ADA and Section 504 of the Rehabilitation Act. Borrowers with more than 15 employees shall adopt grievance procedures that incorporate appropriate due process for prompt and equitable resolutions to alleged complaints. Normally this will be a collateral duty for an existing Human Resource Manager.
 - The recipient’s facilities and all places where the recipient meets with the public must be accessible to the public where physically disabled persons may be employed or visit. The office layout must be in compliance with the Uniform Federal Accessibility Standards (UFAS) or the Americans With Disabilities Act (ADA), as appropriate. This includes parking areas, curb ramps, elevators, public use restrooms, drinking fountains, public doorways, building lobbies, and offices where the public is met.

IV. In the Case of Recipients Who Provide Funding to Ultimate Recipients

When a recipient receives funds from Rural Development to establish a Revolving Loan Fund, the recipient effectively has the same responsibilities as Rural Development for assuring compliance with applicable laws by the ultimate recipients. Therefore, it becomes the responsibility of the (primary) recipient to monitor the activities of the ultimate recipients as they apply to the Fund and the governing program and civil rights regulations.

V. Non-Compliance

Examples of civil rights non-compliance include but are not limited to the following:

- Little or no minority participation
- indication that service offered by recipient differs in quality for minorities as compared to non-minorities
- No advertising or no indication that advertising reached the minority, disabled and female population of the service area.
- Recipient not keeping waiting lists or records of racial, gender, disability status of users or potential users
- Minority population, disabled, females etc. not aware of facility/services provided from federal funding.

In cases where the above types of non-compliance are found, the case will be referred to the Agency's Director of Equal Opportunity in Washington for handling.

Technical non-compliance differs in that there appears to be no intent to discriminate but the recipient is in non-compliance for other reasons. In these cases, the recipient will be formally notified and will be given the opportunity to voluntarily comply. This time will not exceed 60 days. Failure to comply will then result in possible loss of funding, referral to the Rural Development National Office and possible referral to the US Justice Department.

The compliance review process is designed to assure compliance with all applicable federal program and civil rights laws by recipients of USDA Rural Development assistance. This fact sheet is designed to help recipients come into compliance and to stay in compliance with those laws.



Rural Development Civil Rights Program

The major civil rights laws which impact upon Rural Development's program delivery are:

EXECUTIVE ORDER 11063

Directs all executive departments and agencies to take appropriate action to promote the abandonment of discriminatory practices with respect to property or facilities owned or operated by the Federal Government or provided with **Federal financial assistance** in the sale, leasing, rental, or other disposition of such properties or facilities.

EXECUTIVE ORDER 11246

Nondiscrimination in Employment by Construction Contractors (and subcontractors) receiving **Federal** construction contracts in excess of \$10,000 – provides for equal employment opportunity without regard to: **Race, Color, Religion, Sex or National Origin.**

EXECUTIVE ORDER 12250

Department of Justice shall coordinate the implementation and enforcement by Executive Agencies of the civil rights laws that prohibit discrimination in programs and activities receiving **Federal financial assistance** (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Age Discrimination Act of 1975).

EXECUTIVE ORDER 12892

Provides that programs and activities relating to housing and urban development shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities. It also **requires each executive agency to forward facts or information to HUD** when complaints are received that may constitute violation of the Fair Housing Act.

EXECUTIVE ORDER 12898 – “Environmental Justice”

Requires each Federal agency to make achieving environmental justice a part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations.

EQUAL CREDIT OPPORTUNITY ACT (ECOA)

Prohibits creditor practices (loan processing or servicing) that discriminate on the basis of: **Race, Color, Religion, National Origin, Sex, Marital Status, Age, Income from Public Assistance, or having exercised their right under the Consumer Credit Protection Act.**

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Prohibits discrimination in a **Federally-Assisted** Program on the basis of: **Race, Color or National Origin.**

TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

(also known as Fair Housing Act, as amended 1988)

Prohibits discrimination in the sale, rental or financing of housing on the basis of: **Race, Color, Religion, Sex, National Origin, Familial Status or Handicap.**

SECTION 504 OF THE REHABILITATION ACT OF 1973

Prohibits discrimination in a **Federally-Assisted** Program of by the Federal Government on the basis of Disability.

AGE DISCRIMINATION ACT OF 1975

Prohibits discrimination in a **Federally-Assisted** Program on the basis of **Age.**

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Prohibits discrimination on the basis of **Sex** in **education programs and activities** receiving **Federal financial assistance.**

The Rural Development instruction covering civil rights is RD Instruction 1901-E, "Civil Rights Compliance Requirements," which covers nondiscrimination by recipients of Rural Development Assistance in Rural Development programs, nondiscrimination by Rural Development employees, nondiscrimination in Construction financed with Rural Development loans/grants, Compliance Reviews, and the State Director's Civil Rights Policies.

Also, **RD Instruction 2006-P, "Civil Rights Impact Analysis,"** covers environmental justice issues.