Equal Opportunity Certification (EO)

(Non-Housing Construction and Programs)

The Department of Housing and Community Development (DHCD) requires that each applicant or recipient of federal and/or District of Columbia funds or benefits sign the "Equal Opportunity Certification Form," which stipulates that *neither the applicant nor its contractors for which these funds/benefits are being granted* have any pending or civil rights legal proceedings against them or any "Probable Cause" civil rights determinations "*for fair housing and/or equal opportunity violations in the delivery of its programs and/or services*" which have not been remediated.

The applicant certifies that, where appropriate, its programs benefiting directly or in part from DHCD funding will serve Limited English Proficient and Non-English Proficient populations in accordance with federal regulations and as set forth under the District of Columbia Language Access Act of 2004.

Applicant is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring.

Applicants receiving federal or local financial assistance or benefits through DHCD agree to become informed of pertinent federal and local civil rights laws and regulations that affect the execution of their services and activities (see attachment).

Signature and Certification:
The undersigned certifies to DHCD that it has read and understands all of its obligations under the EO Certification requirements. The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of proposals for funding, and any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in DHCD administered programs.

_____
Program/Project Name and Address

_____
Applicant (Organization Name & Address)

_____ _____
Executive Director Name & Signature Date

_____ _____
Program/Project Manager - Name and Signature Date

Notice of Non-Discrimination: In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq.,(Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

EQUAL HOUSING OPPORTUNITY

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EQUAL OPPORTUNITY
Definitions of Laws and Regulations

Constitutional Basis. The guarantee of civil rights has a constitutional as well as statutory base. Civil rights laws are an extension and interpretation of the equal protection and due process requirements of the United States Constitution.

Overlapping Coverage of Activities. More than one civil rights law may apply to a single type of activity.

D.C. LANGUAGE ACCESS ACT OF 2004: Provides greater access and participation in public services, programs, and activities to residents of the District of Columbia with limited or no-English proficiency by requiring that District government programs, departments, and services assess the need for, and offer, oral language services; provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3 percent or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered. "Equal Access and Full Participation" allows LEP residents to be informed of, participate in, and benefit from public services, programs and activities offered by a city department or agency at a level equal to English proficient individuals. "Limited or no English Proficiency" means the inability to adequately understand the English language or express oneself in the spoken or written English language.

EXECUTIVE ORDER 13166: Eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in *all federally assisted conducted programs and activities*.

Section 808(e)(5) of TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, as amended (FAIR HOUSING ACT): Requires grantees to administer its housing and community development programs in a manner to Affirmatively Further Fair Housing (AFFH).

HOUSING AND COMMUNITY DEVELOPMENT ACT of 1974 §104 (b)(2), as amended and the National Affordable Housing Act §105 (b)(3): Require that localities certify they will AFFH. Policies should actively promote greater housing opportunities for all persons while maintaining a non-discriminatory environment in all aspects of public and private housing markets. Activities can range from education, outreach, enforcement, avoiding undue concentration of assisted persons in areas with low- and moderate- income persons, provide translation and interpretation services for persons who are Limited English Proficient, assist in the development of accessible housing for persons with disabilities, etc.

EXECUTIVE ORDER 12892: Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, as amended: Requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

Updated 03/12:0PM:EO:SPG

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI): Prohibits discrimination based on race, color or national origin in *programs and activities* receiving "Federal financial assistance." Complaints received from a *program participant* or *service recipient* will be forwarded to the Fair Housing Equal Opportunity division at the U.S. Department of Housing and Urban Development.
https://www.justice.gov/crt/fcs/TitleVI-Overview

EXECUTIVE ORDER 11063, NON-DISCRIMINATION: (***Non-Discrimination and Equal Opportunity in Housing***) directs HUD and all other executive departments and agencies to take appropriate action to promote the abandonment of discriminatory practices regarding 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 property or facilities.

AGE DISCRIMINATION ACT OF 1975: Prohibits: (1) discrimination based on age *in programs or activities receiving Federal financial assistance* directly or through contractual, licensing, or other arrangements; and (2) age distinctions or actions that have the effect, based on age, of:

- excluding individuals from, denying them the benefits of, subjecting them to discrimination under, a program or activity receiving federal financial assistance; or
- denying or limiting individuals their opportunity to participate in any program or activity receiving Federal financial assistance.

SECTION 109, HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974: Requires that no person in the United States shall—on the grounds of race, color, national origin, religion, or sex—be excluded from participation in, be denied benefits of, or be subjected to discrimination under *any program or activity receiving Federal financial assistance* made available under the Act. Section 109 also directs that the prohibitions against discrimination based on age under the Age Discrimination Act and the prohibitions based on disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs.

EXECUTIVE ORDER 11246, as amended: Bars discrimination in federal employment because of race, color, religion, sex, or national origin. This order was superseded by Executive Order 11478 (Sec 401: 1101), which called for affirmative action programs for equal opportunity at the agency level under general supervision of the Civil Service Commission.

Title II of the AMERICANS WITH DISABILITES ACT of 1990: Title II of the Americans With Disabilities Act prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. These provisions are the same as those in Section 504, except they apply to all programs and activities— not just those funded with Federal financial assistance. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

EXECUTIVE ORDER 13217: Community-Based Alternatives for Individuals with Disabilities, 6/19/2001: Requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - Title IX is a comprehensive federal law that prohibits discrimination based on sex in any *federally funded education program or activity*. The principle objective of Title IX is to avoid the use of federal money to support sexually discriminatory practices in education programs such as sexual harassment and employment discrimination, and to provide individual

citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, ***Title IX also applies to any education or training program operated by a recipient of federal financial assistance***. Many of these education program providers/recipients became subject to Title IX regulations when the Title IX final common rule was published on August 30, 2000.

APPLICABLE REGULATIONS

24 CFR Part 1: Nondiscrimination in Federally Assisted Programs of HUD: Implementing regulations for Title VI of the Civil Rights Act of 1964.

24 CFR Part 3: Nondiscrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance: Implementing regulations for Title IX of the Education Amendments Act of 1972.

24 CFR Part 8: Nondiscrimination Based on Handicap: Implementing regulations for Section 504 of the Rehabilitation Act of 1973. These regulations obligate recipients of funding to make their programs accessible to persons with disabilities. The regulations also establish physical accessibility requirements when Federal financial assistance is used for new construction or rehabilitation of housing.

24 CFR Parts 91.225 (a)(1): Affirmatively Furthering Fair Housing (CDBG Entitlement grantees): Each jurisdiction must certify that it will affirmatively further fair housing, including conducting an analysis of impediments to fair housing choice, taking appropriate actions, and maintaining records.

24 CFR 570.487(b): Affirmatively Furthering Fair Housing (CDBG states and small cities grantees):. Requires the state and each local government to certify that it will affirmatively further fair housing. The state is required to assume responsibility by: (1) conducting an analysis to identify impediments to housing choice; (2) taking appropriate actions to overcome the effects of the impediments; (3) maintaining records of analysis and actions; and (4) ensuring that units of local government funded by the state comply with the certification requirements.

24 CFR 570.601: Fair Housing (CDBG Entitlement grantees): The following apply: Title VI of the Civil Rights Act of 1964 (and implementing regulations at 24 CFR Part 1); Housing and Community Development Act (including §104(b)(2)); and Executive Order 11063, as amended by 12259 (with implementing regulations in 24 CFR part 107.

24 CFR Parts 100-125: Fair Housing. §100: Discriminatory conduct under the Fair Housing Act §103: Fair Housing Complaint processing §107: Nondiscrimination and equal opportunity in housing under EO 11063 §108: Compliance procedures for affirmative fair housing marketing §110: Fair housing poster §115: Certification and funding of State and local fair housing enforcement agencies §121: Collection of data §125: Fair housing initiatives program.

24 CFR 570.206(c): Fair Housing Activities:. CDBG Program Administrative Costs include the provision of fair housing services designed to further the objectives of the Fair Housing Act, including enforcement and other activities designed to further the objective of avoiding concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.

24 CFR Part 91.325(b)(5): Compliance with anti-discrimination laws. A certification that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and implementing regulations.

24 CFR 570.608 and Part 35: Lead-Based Paint: Children under age six are particularly susceptible to hazards from lead based paint. Owners of units where lead paint has been controlled can affirmatively market those units to families with children. If a unit has not undergone lead hazard control treatments, a family with children may choose to live in the unit, if the housing provider advises the family of the condition of the unit. A family cannot be forced to permanently move from a unit if the family declines treatment of lead hazards, although the housing provider can offer incentives for the move.

CPD-05-09 (issued November 3, 2005). Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program.

CPD-05-10 (issued November 3, 2005). Accessibility for Persons with Disabilities to Non-Housing Programs funded by Community Development Block Grant Funds – Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Architectural Barriers Act

Major Community Development Based Grant (CDBG) activities and the corresponding civil rights laws that affect them.

CDBG ACTIVITY	APPLICABLE FEDERAL CIVIL RIGHTS LAWS
Benefits, Services Methods of Administration	Title VI, Civil Rights Act of 1964 Section 109, Housing and Community Development Act of 1974, as amended (HCDA 1974) Section 504, Rehabilitation Act of 1973, as amended Age Discrimination Act of 1975, as amended Section 104, HCDA of 1974, as amended
Housing and Related Facilities	Title VIII, Civil Rights Act of 1968, as amended (Federal Fair Housing Law) Executive Order 11063, as amended Section 104, HCDA of 1974, as amended
Employment	Section 109, HCD Act of 1974, as amended Section 3, Housing and Urban Development Act of 1968, as amended (HUDA of 1968) Executive Order 11246, as amended Section 504, Rehabilitation Act of 1973, as amended
Contracting (Business Opportunities)	Section 109, HCDA of 1974, as amended Section 3, HUDA of 1968, as amended
Displacement/ Relocation	Title VI, Civil Rights Act of 1964 Section 109, HCDA of 1974, as amended Title VIII, Civil Rights Act of 1968, as amended Section 104, HCDA of 1974, as amended