

***NJ CDBG-Disaster Recovery Program  
(HURRICANE IRENE)***

***Handbook***

***Section V***

***Civil Rights***

Revised 10/02

# **CDBG-Disaster Recovery Program Handbook**

## **Section V**

### **Civil Rights**

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## **New Jersey Department of Community Affairs CDBG-Disaster Recovery Program**

### **Subject: Civil Rights Requirements--Overview**

This section of the Handbook provides information regarding the civil rights requirements of the CDBG-Disaster Recovery Program. Compliance with these requirements is the Grantee's responsibility. Your program representative can assist you in this task and will review your files to determine if compliance is documented satisfactorily.

The [checklists](#) found at the end of this section will be used by the Program Representative when monitoring your project files. Please use the appropriate checklists as a guide in setting up your files and in maintaining the information necessary to document compliance.

Included in this section are instructions for completing the [Statement of Actions to Affirmatively Further Fair Housing](#). Each grantee must submit this Statement for the Department's approval before any funds can be disbursed.

Also included in this section are instructions for complying with requirements to include minority and women's business enterprises in the contract bidding process, [equal employment opportunity requirements](#), [equal employment requirements](#), and general standards for [record keeping](#).

Please contact your program representative if you have any questions.

## New Jersey Department of Community Affairs CDBG-Disaster Recovery Program

### **SUBJECT: Fair Housing Requirements - Statement of Actions**

Before CDBG-Disaster Recovery Program funds may be disbursed, each grantee must obtain the Department's approval of its Statement of Actions to Affirmatively Further Fair Housing. The purpose of the statement is to identify actions the grantee has taken and will take to assure ongoing compliance with State and federal fair housing laws. The requirements regarding this statement are found in federal regulations (24 C.F.R. Part 570.904).

For information concerning federal and New Jersey State fair housing laws, and how to file a housing discrimination complaint with either federal or State enforcement agencies, you may go to the Department of Community Affairs Fair Housing web site at:

<http://www.state.nj.us/dca/dhcr/fairhousing>

### **Actions to Affirmatively Further Fair Housing**

The following list of actions, some required and some suggested, are presented to assist you with preparing an acceptable Statement of Actions to Affirmatively Further Fair Housing.

#### **Please note that the first four actions are required:**

- A. *(Required)* Adopt a Statement of Actions to Affirmatively Further Fair Housing and Appoint a Fair Housing Officer for the municipality or county. The appointed officer must be a resident of the community. ([See sample resolution](#))
- B. *(Required)* Contact the HUD Regional Office of Housing and Equal Employment and the N.J. Division on Civil Rights and request Fair Housing information. (See attached form letters to [HUD](#) and [NJ Division on Civil Rights](#) and/or obtain information through the [Department's fair housing web site](#).)
- C. *(Required)* Implement a local fair housing counseling program including a referral service to appropriate State and federal enforcement agencies for enforcement of fair housing laws.
- D. *(Required)* Publish a public notice in the local newspaper of record and post a copy of this notice at the municipal hall (or county administration building) announcing the appointment of the Fair Housing Officer and the availability of local fair housing counseling services. ([See sample Notice for Publication and Posting](#).)
- E. Develop and implement a public information campaign including publicizing the grantee's counseling and referral services, collection and distribution of fair housing literature to relevant organizations and individuals in the community, and/or performing other public relations activities designed to inform the community about this issue.
- F. Organize a fair housing committee to oversee the fair housing program and to advise the community's housing and community development programs.
- G. Participate in voluntary partnerships with public and private organizations, locally and/or regionally, to promote fair housing choice and affirmative marketing plans.
- H. Design and perform other actions to promote fair housing. Be creative.

***You may contact your CDBG-Disaster Recovery Program Manager if you have any questions.***

***FAIR HOUSING - STATEMENT OF ACTIONS***

**SAMPLE RESOLUTION**

**WHEREAS**, (Name of Grantee) has entered into a grant agreement #\_\_\_\_\_ with the New Jersey Department of Community Affairs (hereafter NJDCA) for (describe activity) within (target area, neighborhood, location etc.); and

**WHEREAS**, (Name of Grantee) must make efforts to affirmatively further fair housing; and

**WHEREAS**, (Name of Grantee) has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter HUD) and

**WHEREAS**, (Name of Grantee) has made assurances that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

**NOW, THEREFORE, BE IT RESOLVED** that, (Name and title of designate) shall be designated as the Fair Housing Officer for (Name of Grantee); and

**BE IT FURTHER RESOLVED** that the Fair Housing Officer shall contact the HUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

**BE IT FURTHER RESOLVED** that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from (Name of Applicant); and

**BE IT FURTHER RESOLVED** that (Name of Grantee) will publish in the local newspaper of record and post at the municipal hall (or county administration building) a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

ATTEST:

\_\_\_\_\_  
(Municipal or County Clerk)

(Sample Letter Requesting Information)

(Address of Sender)

(Date)

U.S. Department of Housing &  
Urban Development  
Fair Housing & Equal Opportunity Division  
New Jersey State Office  
One Newark Center  
Newark, New Jersey 07102

Dear Sir or Madam:

I have been appointed Fair Housing Officer by (Name of Municipality/County). My responsibilities in this position include counseling individuals with fair housing questions and/or problems and publicizing fair housing laws and remedies to the public.

I would appreciate any information you may have regarding fair housing including pamphlets, newsletters, conference and training workshop schedules to use in our program. I would also like to request information on referring complainants and how your complaint process operates. Thank you for your cooperation in helping us implement an effective fair housing program.

Sincerely,

Fair Housing Officer

(Sample Letter Requesting Information)

(Address of Sender)

(Date)

N.J. Department of Law and Public Safety  
Division on Civil Rights  
See list of Regional Satellite Offices on the Internet at:  
<http://www.state.nj.us/dca/dhcr/fairhousing>

Dear Sir or Madam:

I have been appointed Fair Housing Officer by (Name of Municipality/County). My responsibilities in this position include counseling individuals with fair housing questions and/or problems and publicizing fair housing laws and remedies to the public.

I would appreciate any information you may have regarding fair housing including pamphlets, newsletters, conference and training workshop schedules to use in our program. I would also like to request information on referring complainants and how your complaint process operates. Thank you for your cooperation in helping us implement an effective fair housing program.

Sincerely,

Fair Housing Officer



(Sample Notice for Publication and Posting)

**Notice to Residents of (Name of Municipality/County)**

**Fair Housing Program**

The (Name of Municipality/County) fully endorses state and federal law regarding housing discrimination and actively promotes full access to housing opportunity, both rental and ownership, regardless of race, creed, color, religion, national origin, disability and/or familial status.

In order to affirmatively further fair housing, the (Name of Municipality/County) has established a Fair Housing Program and appointed a Fair Housing Officer. Any person desiring information concerning fair housing or persons who believe they have been discriminated against in any housing related matter may contact the program for counseling and referral to State and federal enforcement agencies.

The Fair Housing Program may be contacted at the following address:

(Name, address and phone number of program)

(Name of Fair Housing Officer)

## **New Jersey Department Of Community Affairs CDBG-Disaster Recovery Grant Program**

SUBJECT: Minority & Women's Business Enterprise Requirements

CDBG-Disaster Recovery Grantees are required to take all necessary steps to assure that minority owned firms and women's business enterprises are used to perform CDBG-DR funded activities whenever possible. Executive Orders 11625, 12432, 12138 and regulations contained in 24 CFR 85.36(e) mandate that such affirmative efforts be made.

### **Required Affirmative Contracting Efforts**

1. Placing qualified minority and women owned business enterprises on a solicitation list for CDBG-DR contracts;
2. Assuring that these firms are solicited whenever they are potential sources;
3. Dividing total requirements, whenever feasible, into smaller units, to encourage participation of minority and women owned firms;
4. Establishing delivery schedules, whenever possible, that encourage minority and women owned businesses to participate;
5. Requiring the prime contractor, if sub-contracts are to be let, to take the affirmative steps listed here.

## **New Jersey Department Of Community Affairs CDBG-Disaster Recovery Program**

### **SUBJECT: Equal Opportunity Requirements**

CDBG-Disaster Recovery Program grantees are required to administer CDBG-DR funded activities in conformance with the civil rights provisions of the Community Development Act of 1974 (Section 106). This law mandates equal opportunity in accordance with the Civil Rights Law of 1964, the Age Discrimination Act of 1974, Section 504 of the Rehabilitation Act of 1974, and the Americans with Disabilities Act of 1990. These statutes provide that no person may be denied participation in, or be denied the benefits of, or be subjected to discrimination under any federally funded program or activity. Specifically, discrimination is prohibited on the basis of race, color, national origin, sex, age, and/or disability.

#### **Direct Benefit Activity**

All CDBG-Disaster Recovery Program grantees are required to maintain data on the extent to which persons have participated or benefited from any program or activity funded in whole or in part with CDBG-DR funds. Records must be kept indicating race, ethnicity, disability status, and gender of all heads of household. A form, entitled "Beneficiaries of Program" ([FR-1](#)), has been included in this section for use in collecting this information.

#### **Area-Wide Activities**

Data on the characteristics of those benefiting from an improvement or service that has an area-wide impact should be reported on the "Beneficiaries of Program" form ([FR-1](#)). The easiest way to meet this requirement is to attach appropriate information from the grant application to "Beneficiaries of Program" form.

#### **Relocation**

If CDBG-Disaster Recovery Program activities result in the dislocation and relocation of households, data must be collected as to the race, ethnicity, and disability status of those affected. If displacement of businesses occurs due to CDBG-Disaster Recovery Program activity, data indicating the impact on minority and woman owned businesses must be collected.

#### **Prior Discrimination**

If the CDBG-Disaster Recovery Program recipient has been determined through a formal compliance review or court proceedings to have previously discriminated, the recipient must document the affirmative actions the jurisdiction has taken to overcome the effects of past discrimination.

## **New Jersey Department Of Community Affairs CDBG-Disaster Recovery Program**

SUBJECT:           Equal Employment Requirements

CDBG-Disaster Recovery Grantees are required to comply with Federal Executive Orders which mandate that "no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts." Further, contractors and sub-contractors are required to "take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship." (Executive Orders 11246 and 12086)

### **Equal Employment Requirements**

1. Compile and update as necessary equal employment data as described in the record keeping section of this chapter on the "Equal Employment Opportunity Grantee Employee Characteristics" form ([FR-2](#)) provided on the following page or, for municipal and county governments with 50 or more employees, you may substitute the Equal Employment Opportunity Commission's EEO-4 form.
2. If the grantee intends to hire staff to carry out CDBG-DR funded activities, equal opportunity guidelines must be used in advertising and hiring. Documentation of this must include personnel and hiring guidelines consistent with federal equal opportunity employment law and regulations.
3. All Grantees must display the blue and white Equal Employment Opportunity poster prominently within the office used in administering your program and at appropriate work sites. Posters in English (and many other languages) may be ordered from the Equal Employment Opportunity Commission (EEOC) web site:

<http://www.eeoc.gov/publications.html>

Note: Scroll down and fill out the "Order/Shipping Form". Scroll down to "General Information on all Statutes" and check the box for "Equal Employment is the Law – English Poster". (You may also order the poster in several other languages by scrolling down and checking off the appropriate boxes.) Scroll to the bottom of the section and click on "Submit My Order".

## **CIVIL RIGHTS**

### **RECORD KEEPING REQUIREMENTS**

The following items should be kept in the Grantee's Civil Rights File:

#### **FAIR HOUSING**

1. A copy of the [Fair Housing Resolution](#) adopted by the Grantee's ruling body.
2. Copies of internet requests or letters written to the [N.J. Department of Law and Public Safety](#) and the [U.S. Department of Housing and Urban Development](#) requesting fair housing information and copies of fair housing materials received.
3. A copy of the [Public Notice](#) (with proof of publication) announcing the Fair Housing Program.
4. Supporting documentation of any other actions taken regarding fair housing. Such documentation may include records on funds provided, if any, for such actions; list of places where notices were posted; list of places where fair housing literature was distributed; written discrimination complaint procedures; and minutes of fair housing meetings.

#### **MINORITY & WOMEN'S BUSINESS ENTERPRISE**

5. Documentation of all efforts made to inform and contract with minority and women-owned businesses. (e.g., copy of advertisements, list of minority and women's business enterprises contacted.)

#### **EQUAL EMPLOYMENT**

6. Employment data indicating the racial/ethnic characteristics and sex of the Grantee's employees. The data may be reported on the "Equal Employment Opportunity Grantee Employee Characteristics" ([FR-2](#)) form provided or on the Equal Opportunity Commission's EEO-4 form. The data should be compiled at the beginning of the grant period and updated during the term of the agreement as necessary.
7. If the Grantee hires staff to implement the CDBG-DR program, written personnel policies, advertisements, and other documentation consistent with equal opportunity employment law and regulations must be on file.

#### **EQUAL OPPORTUNITY**

8. FOR DIRECT BENEFIT ACTIVITIES - Data documenting the extent to which persons participated in or benefited from any program or activity funded in whole or in part with CDBG-DR funds. Records must be kept by race, ethnicity, disability status and gender of heads of household (Use the "Beneficiaries of Program" ([FR-1](#)) form provided).
9. FOR AREA-WIDE ACTIVITIES - Data on the characteristics of those benefiting from CDBG-DR funded activities (Use the "Beneficiaries of Program" ([FR-1](#)) form provided and attachments from the grant application.

10. Data indicating the race and ethnicity of households, and disability status of persons displaced as a result of CDBG-DR activities, including the address to which each displaced household relocated. Where activities cause a significant level of displacement of businesses, data indicating the impact on businesses owned by women and minorities must also be provided.
11. Documentation of the affirmative actions the municipality/county has taken to overcome the effects of prior discrimination as determined through a formal compliance review or court proceedings (if applicable).

**CDBG-Disaster Recovery Program  
Civil Rights Monitoring Checklist**

Grantee: \_\_\_\_\_ Grant #: \_\_\_\_\_

Names and titles of staff interviewed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
CDBG-Disaster Recovery Program Monitor

\_\_\_\_\_  
Date

**Fair Housing – Part A**

1. Copy of "Fair Housing – Statement of Actions Resolution on file?  YES  NO
  - a. Who was appointed Fair Housing Officer? \_\_\_\_\_
1. Evidence that grantee has contacted and obtained fair housing information from HUD and NJ Division of Civil Rights?  YES  NO
2. Copy of public notice of Fair Housing Program on file including proof of publication?  YES  NO
4. Did Fair Housing Office Receive any complaints?  YES  NO  
(If yes, describe how complaint(s) were handled/final disposition.)
5. Other evidence of fair housing actions on file?  YES  NO  
(If yes, List the specific evidence in the file)

**Grantee Employment – Part B**

1. Does the grantee maintain an equal opportunity information file?  YES  NO
2. Does the grantee maintain required employment data?  YES  NO  
(EEO-4 or FR-2)
3. Was staff hired to carry out the CDBG-DR Program?  YES  NO
  - a. If Yes, were equal opportunity guidelines used in advertising?  YES  NO
  - b. If Yes, were written employment & personnel guidelines available?  YES  NO
4. Have any equal opportunity complaints been filed against the Grantee?  YES  NO
5. Is there a blue & white EEO poster displayed in the grantee's building?  YES  NO
6. Did any of the employment data indicate possible deficiencies in providing employment opportunities to anyone?  YES  NO  
(Describe any complaints received and their disposition as of this review.)





## Economic Development – Part E

This checklist must be filled out for each company that received funds or which agreed to generate new employment as a consequence of CDBG-Disaster Recovery assisted activity.

- |  |       |      |
|--|-------|------|
| 1. Does the company maintain a file containing equal opportunity information?  | __YES | __NO |
| 2. Does the company have written employment and personnel policies & practices with equal opportunity guidelines available for review? | __YES | __NO |
| 3. Does the company have equal opportunity guidelines which it follows in advertising vacancies?                                       | __YES | __NO |
| 4. Do employment records provide sufficiently detailed data to allow assessment of the company's workforce?                            | __YES | __NO |
| Were employment records available?   | __YES | __NO |
| Is employment data sufficient to assess the composition of the work force:   | __YES | __NO |
| * Sex?   | __YES | __NO |
| * Race?  | __YES | __NO |
| * Disability status?   | __YES | __NO |
| * National Origin?   | __YES | __NO |
| Is employment and salary data sufficiently detailed to assess practices regarding hiring, training, promotion & compensation?          | __YES | __NO |
| Does any of the employment data indicate possible deficiencies in providing employment opportunities to any group?                     | __YES | __NO |
| Have any equal employment opportunity complaints been filed against the company?   | __YES | __NO |
| Does the company maintain data on the number & characteristics (e.g. race, sex, income) of new employees?                              | __YES | __NO |

For each negative comment indicated above, specify corrective action(s) the grantee must take to resolve any findings and indicate follow-up actions to be taken by the Program Representative and/or the Administrator.

**CDBG-DISASTER RECOVERY PROGRAM BENEFICIARIES**

**Name of Grantee:**

**Grant Number:**

<b>Name of Beneficiary</b>	<b>Ethnicity</b> (See Below)	<b>Race</b> (See Below)	<b>Gender</b> (M or F)	<b>Elderly</b> (62 & Older)	<b>Disabled</b> (Yes or No)

**Ethnicity:** Hispanic or Latino, Not Hispanic or Latino (Select Only *One*)

**Race:** American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White (select *one or more*)

**Attach Additional Sheets as Needed**

**Equal Employment Opportunity Employee Characteristics**

**Grantee:**

**Grant Number:**

JOB CATEGORY	Total Employee	Male					Female				
		White	Black	Hispanic	American Indian	Disabled	White	Black	Hispanic	American Indian	Disabled
Admin/Officials											
Professionals											
Technicians											
Para-Professionals											
Office/Clerical											
Police Dept.											
Water/Sewer Dept.											
Road Dept.											
Other:											