



Compliance Reviews

Civil Rights Issues





Office of Fair Housing and Equal Opportunity

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FHEO Enforces:

- **Fair Housing Act (Title VIII): Race, Color, Religion, Sex, National Origin, Familial Status, Disability**
- **Section 504 of the Rehabilitation Act of 1973: Disability**
- **Title VI of the Civil Rights Act of 1964: Race, Color, National Origin**





FHEO Enforces cont.:

- **Section 109 of the Housing and Community Development Act of 1974: Race, Color, National Origin, Sex, Religion**
- **Section 3 of the Housing and Urban Development Act of 1968**
- **Executive Order 11063: Race, Color, National Origin, Sex, Religion**





Compliance Reviews:

Preparing for a Compliance Review



Assessing Risk:

Notice 2002-01 defines risk as:

- **A chance that something will go wrong;
or**
- **A factor in a recipient's policies, program,
or activities that increases the probability
that something will go wrong in a manner
that can result in failure to comply with
civil rights related program requirements.**



Assessing Risk cont.:

- **Front-end and limited monitoring reviews (Checklists)**
- **Program documentation – including PHA Plans, ACOP, DHPs, AFHMPs, Addendum Bs, etc.**
- **Prior FHEO monitoring/compliance reviews**
- **Complaints, investigations, news reports**
- **Program data systems – PIC, REMS**



Pre-Onsite:

- **Develop Investigative Plan:**
 - ✓ **Authorities (Title VI, Section 504, etc.)**
 - ✓ **Areas of Review (application process, tenanting, marketing, etc.)**
- **Schedule Dates of Review**
- **Logistics (location of pertinent files, etc.)**
- **Identify Staff to be Interviewed**



Pre Onsite cont.:

- **Notification Letter (identify authorities, date, areas of review, FHEO staff, etc.)**
- **Data Request**
 - ✓ **ACOP, tenant selection plan, application, waiting list, tenant profile, lease, house rules, policies, etc.)**





Pre-Onsite cont.:

- **Review Internal Documents**
 - ✓ **PIC, REMS, TEAPOTS, etc.**
- **Review data request submission**





Compliance Reviews:

Conducting a Compliance Review



Onsite:

- **Entrance Conference**
 - ✓ **Explain how the review will be conducted**
 - ✓ **Identify staff to assist during the review**
 - ✓ **Confirm what will be reviewed and how access will be granted**
 - ✓ **Confirm logistical issues**

Onsite cont.:

- **Interviews (clarify policies/procedures)**
 - ✓ **Key staff, tenants**



Onsite cont.:

- **File Review (primary focus is data collection)**
 - ✓ **Current tenants, applicant/waiting list, rejections, evictions, reasonable accommodation/modification, maintenance**



Onsite cont.:

- **Exit Conference**
 - ✓ **Overview of areas reviewed**
 - ✓ **Discuss concerns & provide technical assistance**
 - ✓ **Potential findings are not discussed**
 - ✓ **Identify additional documentation required and submission date(s)**
 - ✓ **Projected date of issuing Letter of Finding**



Data Analysis:

Title VI:

- **Is the applicant's placement or selection from the waiting list based on the applicant's race, color or national origin (skip-overs)?**
- **In taking, accepting and approving applications, does the recipient apply its selection criteria in a non-discriminatory manner?**



Data Analysis cont.:

- **Does the recipient's eviction procedures/policies discriminate against tenants on the basis of race, color or national origin, and are they applied consistently?**
- **Are requests for maintenance and repairs processed in a non-discriminatory manner regardless of race, color or national origin?**

Data Analysis cont.

- **Limited English Proficiency (LEP) - has the recipient conducted a four-factor analysis and developed an LEP Plan?**

Data Analysis cont.:

Section 504 Program Requirements:

- **Meet the 5%/2%**
- **Self Evaluation**
- **Transition Plan**
- **Effective Communications**
- **Section 504 Coordinator**
- **Adoption of Grievance Procedures**
- **Non-Discrimination Notice**

Data Analysis cont.:

- **Does the recipient segregate persons with disabilities from non-disabled?**
- **Are deposits required for tenants with companion/service animals?**
- **Are reasonable accommodations and/or modifications provided to afford persons with disabilities the ability to use and enjoy the dwelling/services?**



Findings/Concerns:

- **Finding:** A violation of statutes or regulations, which require corrective action.
- **Concerns/Observations:** Conditions that need to be improved, or could lead to a finding if not addressed.



Review Outcomes:

- **Letter of Findings**
- **Compliance**
- **Non-Compliance**
- **Voluntary Compliance Agreement**
- **Eligibility Future Funding**

