

Outline of Civil Rights Related Program Requirements for Grantees from HUD's CPD Programs

Region VIII Denver
Office of Fair Housing and Equal Opportunity
Program Compliance Branch

1. Title VI of the Civil Rights Act of 1964 (Title VI) and 24 C.F.R. Part 1

Title VI prohibits discrimination on the bases of race, color, or national origin in all federally assisted programs.

- Benefits, Services, and Methods of Administration (24 C.F.R. § 1.4)

Title VI regulations at 24 C.F.R. § 1.4 require Grantee to **analyze jurisdictional demographic** data for race, color, and national origin to determine whether any of the jurisdiction's minority groups appear under-represented in its HUD-funded programs. If an analysis of the demographic data evidences under-representation by any group based on race, color, or national origin, Grantee must adjust the administration of its programs and activities to assure equitable participation.

General Information

The City of Loveland Community Partnership Office (CPO) submits jurisdictional demographic data compared to funded agency data annually with the CAPER. For PY 2022-2023, agency data indicates a greater percentage of people served for all self-reported racial categories except White, Asian, American Indian/Native Alaskan & White, Asian & White, Black//African American & White, and American Indian/Alaskan Native & Black/African American residents.

Actions Accomplished

1. The CPO monitors agencies to understand the degree to which the demographic make-up of their customers matches the demographic make-up of the community to ensure equal benefit to protected classes.
2. Fair housing report data identified that public housing serves fewer people of color in multifamily units.

Actions to be taken in 2024

1. The CPO will continue analyzing subrecipient demographic data. Agency intake forms will be reviewed to determine if all HUD racial categories are listed to better understand if people are checking a multi-racial box because a more accurate option is not provided. CPO will research marketing strategies to reach those residents who are not accessing funded services and will monitor data combined and for each individual agency. The CPO may request technical assistance in this area.
2. The CPO will work with the Loveland Housing Authority to better understand the degree to which their residents may contribute to changes in demographic make-up in specific neighborhoods by matching specific property demographic information with Loveland

September 11, 2023

demographic information. Future AFH citizen participation will include asking residents where they receive information to support the Housing Authority's effort to market to a cross section of area residents.

- Citizen Participation (24 C.F.R. § 1.4 and §§ 570.506 and 91.105)

Title VI requires Grantee to implement affirmative efforts to involve racial and ethnic minorities in its citizen participation process.

Actions Accomplished

1. The CPO has translated surveys, legal ads and part of reports submitted to HUD, and has used interpreters for public meetings.
2. The 2020-2024 Consolidated Plan included community outreach in English and Spanish. The Executive Summary and Goals section of the Plan were also translated into Spanish.
3. The Citizen Participation Plan was updated in 2020 and includes community outreach in English and Spanish.
4. City of Loveland public meeting agendas have information about receiving interpretation services written in English and Spanish.
5. The City of Loveland required all full and part-time staff to complete monthly Diversity, Equity, Inclusion and Belonging (DEIB) training over a nine-month period. The City of Loveland is committed to creating a workplace for all - a place where employees can thrive, be heard, and feel safe being themselves at work. The CPO CDBG Assistant joined the DEIB committee in 2023.
6. Policies and procedures from City of Loveland departments were submitted to an outside agency for equity review. This review included CDBG Policies and Procedures.
7. CPO homeless shelter staff have successfully utilized the City of Loveland translation services for guests whose primary language was not English.

Actions to be taken in 2024

1. The City of Loveland will continue to work with a staff member certified in Spanish language translation for written, verbal and in-person translation and/or interpretation.
2. The CPO will work with the City Clerk's Office to request marketing to diversify City of Loveland Boards and Commissions.
3. The CPO will request technical assistance to create a survey that can be used for the next iteration of the Consolidated Plan (that will include Fair Housing information as well).

- **Limited English Proficiency (LEP) (24 C.F.R. Part 1.4(b) and Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons)**

Title VI regulations at 24 C.F.R. Part 1.4(b) prohibit Grantee from administering its programs or activities in such a way as to limit access based on race, color, and national origin. Title VI, relevant regulations, and the final guidance regarding LEP persons protect access to such programs by LEP persons on the basis of national origin. As a result, Grantee is required to **develop procedures to assure equal access to LEP persons**. HUD specifically expects Grantees to provide oral interpreters and to provide written translation of vital documents when the LEP population exceeds 1,000 persons. Vital documents include public notices. To

comply with LEP requirements, Grantee must conduct a four-factor analysis, create a Language Access Plan (LAP), and document actions to implement the LAP. For more information about the LEP requirements and the final LEP guidance, visit HUD's LEP page:

https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

Actions Accomplished

1. In 2019, the CPO provided technical assistance to funded agencies to ensure each has a Title VI policy. For non-Federally funded programs, the CPO has a Title VI requirement, but is calling it a non-discrimination policy. In 2021, the CPO scheduled two work sessions with a national expert to help funded agencies complete a Limited English Proficiency Plan.
2. The City of Loveland has a Limited English Proficiency plan.
3. The CPO distributed "I Speak" cards to all local non-profits and will continue to make laminated cards available in case they are misplaced by the agency.
4. The CPO monitored funded agency websites for the availability of Spanish translation in 2023.
5. As stated, advertisements from the CPO for public hearings or viewing documents are submitted in English and Spanish.

Actions to be taken in 2024

1. Agencies will be offered technical assistance to complete their Limited English Proficiency Plan if it has not yet been completed.
2. Funded agencies will be monitored for translating vital documents and using a certified translator or a translation company.
3. The CPO will request an update to understand the status of translation of all vital documents.
4. The CPO will continue to distribute laminated "I Speak" cards to subrecipients during the CDBG monitoring process if needed.
5. The CPO will continue to monitor CDBG subrecipients websites for Spanish translations.

- **Title VI Recordkeeping (24 C.F.R §§ 1.6(b) and 121)**

Title VI implementing regulations at 24 C.F.R. § 1.6(b) require recipients of federal financial assistance to gather and maintain such information as the Department shall deem necessary with respect to the racial and ethnic characteristics of applicants and participants in their federally funded programs and activities. To comply with the **Title VI recordkeeping** regulations, Grantee must consistently collect complete and accurate records that reflect the race and ethnicity of direct program beneficiaries. The collection of this data must conform to form HUD-27061, "Race and Ethnic Data Reporting Form"¹ found here: <https://www.hud.gov/sites/documents/27061-H.PDF>. Upon request, Grantee should be able to produce the source documents² utilized to comply with the Title VI recordkeeping regulations.

¹ In August 2002, the Department also issued "OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines." This document specifies the manner for gathering, maintaining, and submitting racial and ethnic characteristics to HUD.

² Title VI recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.) utilized by Grantee or Grantee's subrecipients to collect the race and ethnic characteristics of those applying for or benefitting from the expenditure of HUD funds. These documents are the *source* Grantee used to enter race and ethnicity information into IDIS for the production of cumulative reports that show aggregate demographic data.

General Information

Race/ethnicity data is received quarterly and entered into IDIS. Because the Office of Fair Housing does not receive race/ethnicity data via IDIS, the CPO transfers all data into an excel spreadsheet and attaches the information to the CAPER, and emails the information to the City of Loveland Fair Housing representative.

2. Section 109 of Title I of the Housing and Community Development Act of 1974 (Section 109) and 24 C.F.R. Part 6

Section 109 prohibits discrimination on the bases of race, color, national origin, religion, and sex in any program or activity funded in whole or in part with federal financial assistance (e.g., CDBG and HOME, etc.)

- Benefits, Services, and Methods of Administration (24 C.F.R. § 6.4)

Section 109 implementing regulations at 24 C.F.R. § 6.4 require Grantee to analyze jurisdictional demographic data for race, color, national origin, religion, and sex to determine whether any of the jurisdiction's minority groups appear under-represented in its HUD-funded programs. If an analysis of the demographic data evidences under-representation by any group based on race, color, national origin, sex, or religion, Grantee must adjust the administration of its programs and activities to assure equitable participation.

- Citizen Participation (24 C.F.R. § 6.6 and §§ 570.506 and 91.105)

Section 109 requires Grantee to implement affirmative efforts to involve racial and ethnic minorities and female-headed households in its citizen participation process.

- Section 109 Recordkeeping (24 C.F.R. §§ 6.6(a), 6.10(c), and 121)

Section 109 implementing regulations at 24 C.F.R. §§ 6.6(a) and 6.10(c) require recipients of federal financial assistance to gather and maintain such information as the Department shall deem necessary with respect to the race, ethnicity, and sex of applicants and participants in their federally funded programs and activities. The collection of race and ethnic data must conform to form HUD-27061, "Race and Ethnic Data Reporting Form" found here: <https://www.hud.gov/sites/documents/27061-H.PDF> (See footnote #2.) Upon request, Grantee should be able to produce the source documents³ utilized to comply with the Section 109 recordkeeping regulations.

³ Section 109 recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.) utilized by Grantee or Grantee's subrecipients to collect the race, ethnicity, and sex of those applying for or benefitting from the expenditure of HUD funds. These documents are the *source* Grantee used to enter race, ethnicity, and sex information into IDIS for the production of cumulative reports that show aggregate demographic data.

General Information

Same information as #1 above, although the CPO does not collect information about religion or sex because IDIS does not ask for this information but will start asking for this data if requested by the Office of Fair Housing.

3 **Section 504 of the Rehabilitation Act of 1973 (Section 504) and 24 C.F.R. Part 8/Title II of the Americans with Disabilities Act of 1990 (ADA) and 28 C.F.R. Part 35**

Section 504 prohibits discrimination based on disability under any federally assisted program or activity.

✓ **Benefits, Services, and Methods of Administration (24 C.F.R. § 8.4(b))**

24 C.F.R. § 8.4(b) requires Grantee to **analyze jurisdictional demographic data** to determine whether people with disabilities appear under-represented in Grantee's HUD-funded programs. If an analysis of the demographic data evidences under-representation by people with disabilities, Grantee must adjust the administration of its programs and activities to assure equitable participation.

https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq

General Information

The CPO submits jurisdictional demographic data compared to funded agency data annually with the CAPER. For PY 2022-2023, agency data indicates a greater percentage of persons with disabilities (37.2%) than the City of Loveland (19.7%), which is not surprising given that people living on disability income require additional assistance to make ends meet each month and many homeless individuals have a disability.

✓ **Citizen Participation (24 C.F.R. § 8.4 and §§ 570.506 and 91.105)**

Section 504 requires Grantee to implement affirmative efforts to involve and ensure **equal access to people with disabilities** in its citizen participation process.

Actions Accomplished

1. Public meetings are held in an accessible location.
2. Agendas include information about accessing assistance.
3. Auxiliary aids are available for all public meetings.
4. City Council, CPO, and several other Boards and Commission meetings are also available using a remote option.

Actions to be taken in 2024

1. The CPO will request technical assistance to create a survey that can be used for the next iteration of the Consolidated Plan, that will include Fair Housing information to address accessibility for persons with disabilities.

✓ Section 504 Non-Discrimination Notice (24 C.F.R. § 8.54(b))

Section 504 requires Grantee to provide a Section 504 non-discrimination notice within printed informational materials Grantee makes available to participants, beneficiaries, applicants, and employees.

Actions Accomplished

1. The City of Loveland includes notices of non-discrimination on public meeting notices and in public locations. See below.

City of Loveland meeting agendas include:

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319.

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org

Actions to be taken in 2024

- 1 The CPO will request technical assistance around additional notifications.

✓ Effective Communication (24 C.F.R. § 8.6)

Section 504 requires Grantee to take appropriate steps to **ensure effective communication** with applicants, beneficiaries, and members of the public by: (1) Furnishing appropriate **auxiliary aids** when necessary to afford individuals with disabilities equal opportunity to participate in and enjoy the benefits of a program or activity receiving federal financial assistance; (2) Providing **telecommunication**

devices for the deaf (TDDs) or equally effective communication systems for hearing impaired persons; and (3) Adopting and implementing procedures to ensure that interested persons (including **persons with impaired vision or hearing**) **can obtain information** concerning the existence and location of accessible services, activities, and facilities

Actions Accomplished

1. The City of Loveland has a Transition Plan and is completing Phase I projects, that include facilities, program, services, and the City of Loveland website.
2. In 2019, the CPO provided technical assistance to funded agencies to ensure each has an ADA policy. In 2021, the City of Loveland scheduled two work sessions with a national expert to help funded agencies complete an Effective Communication Plan.
3. The City of Loveland has auxiliary aids and will hire a sign-language interpreter to accommodate people with hearing impairments if needed. Both have been used in public meetings.
4. A TDD device is available at the City of Loveland and is advertised with public outreach.

Actions to be taken in 2024

1. The City of Loveland Transition Plan Phase II includes public rights-of-way accessibility, with over 700 miles of sidewalk, more than 19 intersections (with curbs and gutters). Implementation for Phase II will begin in 2024.
2. The CPO will complete an inventory of the number of accessible units at the Loveland Housing Authority, including whether the unit is currently occupied by a tenant with a relevant disability, and will research the number of units available to persons with disabilities in Loveland.
3. CPO staff will meet with Planning staff to understand requirements for new multi-family housing and the number of accessible units completed over the last five years (if possible) and will research requirements for all new construction in multi housing units as well as build a tool to track progress.
4. CPO staff will work with Risk Management staff to understand available ADA staff training.
5. Funded agencies will be offered technical assistance to complete an Effective Communication Plan if it has not yet been completed.
6. An update on sidewalk gap priority will be requested. In years past, priority was based on address so those needing sidewalk access to get to school was a priority.
6. A Boulder based nonprofit, Audio Information Network, provides radio ads in English and Spanish for sight-impaired residents to increase citizen participation.
7. The CPO will monitor agencies for website accessibility as stated above.

- **Section 504 Recordkeeping (24 C.F.R. §§ 8.55(b) and 121)**

Section 504 requires Grantee to maintain complete and accurate records that show the extent to which **persons with disabilities participate** in its federally funded programs and activities. Section 504 implementing regulations at 24 C.F.R. § 8.55(b) specifically require recipients of federal financial assistance to gather, maintain, and submit documentation of the extent to which persons with disabilities are participants in federally funded programs and activities. Upon request, Grantee should be able to produce the source documents⁴ utilized to comply with the Section 504 recordkeeping regulations.

⁴ Section 504 recordkeeping source documents are the actual reporting forms (e.g., applications, contracts, etc.)

See #3 above.

4 Affirmatively Furthering Fair Housing (AFFH) Certification: Title VIII of the Fair Housing Act of 1968, as amended (the Fair Housing Act), Section 808(e)(5), and 24 C.F.R. § 91.225, Local Jurisdictions; 91.323, States; and 91.425, Consortia

The AFFH Certification requires Grantee to:

- Conduct an **analysis to identify impediments to fair housing choice** within the jurisdiction;
- Take appropriate actions to overcome the effects of impediments identified through the analysis; and
- **Maintain records** reflecting the analysis and actions taken in this regard.

Actions Accomplished

1. The City of Loveland completed a partial Assessment of Fair Housing that was submitted in May 2018. The prior Analysis of Impediments to Fair Housing Choice expired in 2017, and the City of Loveland was unsure about the future of the AFH process at that time. The submitted document reviewed all AFH questions with the goal of understanding the information that was readily available, including maps, information that would be sought primarily through citizen participation when/if the City was responsible for completing a full AFH, and the process the City would take to complete the full document. The interim AFH was reviewed by the City of Loveland Fair Housing representative. Actions that the City had taken or was planning to take to further fair housing became the interim Action Plan.
2. The CPO distributed fair housing posters to City funded non-profits that provide housing and services. All posters have a large sticker that gives additional contact information in English and Spanish for the CPO and the Colorado Civil Rights Division in the hope that a local phone number will increase the likelihood that a resident will report discrimination. The CPO will continue to place as many posters as possible throughout the community.
3. The City of Loveland celebrated Martin Luther King Jr day in January and Fair Housing Month in April with proclamations that celebrate the civil rights movement and the Fair Housing Act of 1968.
4. To receive a financial incentive for new housing, a developer/builder completes an application that includes questions about proximity to food and transportation. The Affordable Housing Commission makes incentive decisions based on answers to these questions and housing placement that makes sense for the occupants and not just for the developer.
5. To encourage greater development of affordable housing and to encourage private investments and developments throughout the city, the City of Loveland revised municipal code addressing affordable housing incentives in 2017, and updated the planning and zoning code in 2020. In 2023, City Council approved a 20% increase in the number of housing units in existing Planned Unit Developments (PUD) without the project having to start over and take multiple years.
6. City Council dedicates \$450,000 annually to assist builders of affordable housing pay for Enterprise Fees. Millions of dollars have been invested to help fund hundreds of units.

utilized by Grantee or Grantee's subrecipients to collect the disability status of those applying for or benefitting from the expenditure of HUD funds.

September 11, 2023

Actions to be taken in 2024

1. The CPO will map all affordable housing funding and respective units in Loveland to understand placement throughout the City. Affordable housing incentives result in a deed restriction or a deed of trust on the property.
2. The CPO will continue to advertise Fair Housing month with a proclamation and in our City News Newsletter that is mailed to 37,500 addresses. The City Newsletter provides the phone number of the CPO to offer help with housing discrimination.
3. The City of Loveland will continue to celebrate Martin Luther King Jr day in January.
4. The CPO will work to distribute a new Landlord/Tenant guide to the community.
5. The CPO will monitor housing projects that are not approved by the Planning Commission or the City Council, including the reason why, and continue to address Not In My Backyard sentiment in in Loveland.
6. Fair Housing brochures will continue to be placed with key non-profit organizations that discuss housing with their customers. The CPO will work on a Fair Housing brochure for landlords if one doesn't already exist.
7. Projects and resources from the DEIB Committee will be shared with the CPO. Fair Housing resources will be shared with the DEIB Committee. CPO policies will be revised based on feedback from the DEIB committee.
8. The CPO will request technical assistance on the next AFH, specifically addressing items that are relevant to the Thompson School District.
9. The CPO will request technical assistance to understand how to monitor mortgage rate denials based on race/ethnicity.

7. Section 3 of the HUD Act of 1968 and 24 C.F.R. Part 135

Section 3 requires grantees to **provide job training, employment, and contract opportunities** to low- or very-low income residents in connection with projects and activities in their neighborhoods to the greatest extent feasible.

- Notifying Section 3 Residents and Business Concerns (24 C.F.R. § 135.32(a))

Grantee must implement procedures to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance “to the greatest extent feasible.”

- Notifying Potential Contractors about Section 3 and Incorporating the Section 3 Clause (24 C.F.R. § 135.32(b))

Grantee must notify potential contractors for Section 3 covered project of the Section 3 requirements to the greatest extent feasible.

- Facilitating Training and Employment of Section 3 Residents and the Award of Contracts to Section 3 Business Concerns (24 C.F.R. § 135.32(c))

Grantee must offer training and employment opportunities to Section 3 residents and awarding contracts to Section 3 business concerns to the greatest extent feasible to reach the numerical goals in 24 C.F.R. § 135.30.

- Obtaining the Compliance of Contractors and Subcontractors with Section 3 (24 C.F.R. § 135.32(d))

Grantee must make “greatest extent feasible” efforts to ensure contractors’ and subcontractors’ compliance with Section 3.

- Documenting Actions Taken to Comply with Section 3 Requirements (24 C.F.R. § 135.90)

Grantee must complete and submit Section 3 reports, HUD form 60002, to HUD annually.

- ✓ The CPO funded one project that is subject to the new Part 75 and will submit information with the 2022-2023 CAPER. The CPO has little experience with Part 75 and would like technical assistance in the future.
- ✓ The City of Loveland was up-to-date with Section 3 reporting via SPEARS.

For more information about the Section 3 requirements, visit HUD’s Section 3 webpage at: https://www.hud.gov/program_offices/fair_housing_equal_opp/section3/section3.

8. Section 504 Accessibility Requirements (24 C.F.R. §§ 8.22, 8.23, 8.32)

Grantee must operate its federally assisted programs and activities such that they are readily accessible to and usable by individuals with disabilities when viewed in their entirety. Grantee must **ensure that none of its federally assisted programs or activities denies people with disabilities benefits, exclude people with disabilities from participation in, or otherwise subject people with disabilities to discrimination because the federally assisted facilities are inaccessible or unusable** by people with disabilities.

Pursuant to 24 C.F.R. §§ 8.22 and 8.32:

- ✓ Grantee must ensure that all of its federally assisted new construction projects **built after July 10, 1988** are physically accessible in accordance with the Uniform Federal Accessibility Standards (UFAS).⁵

- ✓ The City of Loveland primarily funds the Loveland Housing Authority for new (multi-family) housing. As stated, the CPO will research the number and type of units for persons with disabilities in each multi-family project, including how many are

⁵ See <http://www.access-board.gov/ufas/ufas-html/ufas.htm>.

currently occupied by persons with disabilities to ensure that accessible units are housing the appropriate people.

- ✓ For all new construction federally assisted housing built after July 10, 1988, Grantee must ensure that **a minimum of 5% (but at least one unit) of the total number of dwelling units in multifamily complexes (5+ units) is accessible for mobility impaired persons in accordance with UFAS. Additionally, Grantee must ensure that at least 2% of the total number of dwelling units in new construction multifamily complexes is accessible for persons with visual or hearing impairments. If Grantee funds substantial alterations costing 75% or more of the replacement cost of the completed facility,⁶ these new construction provisions apply.**

- ✓ The CPO will research the percentage of units for mobility and visual/hearing impaired residents in each complex built after July 10, 1988.
- ✓ The Section 504 coordinator for the Loveland Housing Authority is Andy Bickers. He can be reached at abickers@lovelandhousing.org or (970) 635-5942.

- ✓ For federally assisted housing in developments constructed prior to July 11, 1988, Grantee must ensure that the housing complies with the Section 504 accessibility requirements using UFAS as the design and construction standard to the maximum extent practicable.

9. Fair Housing Act Design and Construction Requirements (24 C.F.R. § 100.205)

Grantee must ensure that all of its privately or federally assisted multifamily housing in buildings with four or more dwelling units built for **first occupancy after March 13, 1991** complies with the Fair Housing Accessibility Guidelines.⁷ In summary, all multifamily housing built for first occupancy after March 13, 1991 must comply with the following seven basic requirements to ensure compliance:

⁶ Also see 24 C.F.R. 8.23(b): "... Alterations to dwelling units in a multifamily housing project (including public housing) shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with handicaps. If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible. Once five percent of the dwelling units in a project are readily accessible to and usable by individuals with mobility impairments, then no additional elements of dwelling units, or entire dwelling units, are required to be accessible under this paragraph. Alterations to common areas or parts of facilities that affect accessibility of existing housing facilities shall, to the maximum extent feasible, be made to be accessible to and usable by individuals with handicaps. For purposes of this paragraph, the phrase to the maximum extent feasible shall not be interpreted as requiring that a recipient (including a PHA) make a dwelling unit, common area, facility or element thereof accessible if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project... HUD may prescribe a higher percentage or number than that prescribed in paragraph (b)(1) of this section for any area upon request therefor by any affected recipient or by any State or local government or agency thereof based upon demonstration to the reasonable satisfaction of HUD of a need for a higher percentage or number, based on census data or other available current data (including a currently effective Housing Assistance Plan or Comprehensive Homeless Assistance Plan), or in response to evidence of a need for a higher percentage or number received in any other manner. In reviewing such request or otherwise assessing the existence of such needs, HUD shall take into account the expected needs of eligible persons with and without handicaps."

⁷ See http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/fhefhag.

- (1) An accessible building entrance on an accessible route;
- (2) Accessible and usable common and public use areas;
- (3) Usable doors;
- (4) An accessible route into and through dwelling units;
- (5) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (6) Reinforced walls in bathrooms for later installation of grab bars; and
- (7) Usable kitchens and bathrooms.⁸

Grantee may comply with these guidelines by using one of the ten safe harbors, which includes the Fair Housing Act Design Manual.⁹

✓ The CPO will research this information.

10. Section 504 Coordinator (24 C.F.R. § 8.53(a))

Grantees with 15 or more employees must designate at least one person to coordinate its efforts to comply with Section 504.

✓ The City of Loveland has a Section 504 Coordinator. Jason Smitherman can be reached at jason.smitherman@cityofloveland.org or (970) 962-3319.

11. Section 504 Non-Discrimination Notice (24 C.F.R. § 8.54(a))

Grantees with 15 or more employees must ensure they are taking appropriate initial and continuing steps to **notify participants, beneficiaries, applicants, and employees**, including those with impaired vision or hearing, **that they do not discriminate on the basis of disability**. The notification must include the name and contact information for the designated Section 504 coordinator.

✓ The CPO will research whether the Loveland Housing Authority is taking these actions.
 ✓ Agency ADA policies collected by the CPO all say that the agency does not discriminate based on disability.

12. Section 504 Grievance Procedure (24 C.F.R. § 8.53(b))

Grantees with 15 or more employees must adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.

✓ The City of Loveland has a grievance policy and process on our website.

⁸ For more information, also see www.fairhousingfirst.org.

⁹ See <http://www.huduser.org/portal/publications/destech/fairhousing.html>.

- ✓ All funded agencies created a grievance policy that was approved by the CPO prior to contracting for grant funding in 2019. The CPO will ensure that agencies have grievance information easily available on their website and have a sign in their office so customers understand the policy and procedure.

Grantee is additionally subject to the following HUD rule ultimately enforceable by CPD:

13. Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (Equal Access Rule)

HUD's Equal Access Rule, effective March 5, 2012, is a HUD program requirement that ensures **equal access to housing in HUD programs, regardless of sexual orientation, gender identity, or marital status**. The Equal Access Rule contains three components that apply to recipients of Housing and Community Development funds (e.g., CDBG, HOME, NSP, CDBG-DR, ESG, HOPWA, etc.), Section 8, and public housing assistance under the United States Housing Act of 1937: 1.) **General equal access provision:** Housing assisted by HUD or insured by FHA must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status (24 C.F.R. 5.105 (a)(2)). 2.) **Definition of family: Must include persons regardless of actual or perceived sexual orientation, gender identity, or marital status** (24 C.F.R. 5.403). 3.) **Inquiries: Prohibits inquiries of an applicant's or occupant's sexual orientation or gender identity** for the purpose of determining eligibility or otherwise making housing available (24 C.F.R. 5.105). HUD's 2016 rule, CPD-15-02, "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs,"¹⁰ (CPD Rule) **applies to recipients, subrecipients, owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by any CPD program.** The CPD Rule explicitly establishes that housing providers may inquire about an individual's gender identity to determine the most appropriate placement for someone seeking housing in shelters and facilities with physical limitations or configurations that require shared sleeping quarters or shared bathing facilities. The Rule additionally establishes that a CPD financed housing provider's policies and procedures must ensure that individuals are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of an individual's gender identity.

- ✓ The CPO will request technical assistance in this area.

Additional Action Items the CPO plans to take in 2024 include:

The CPO would like technical assistance in addressing potential actions that have not been taken from the 2018 AFH.

¹⁰ <https://www.federalregister.gov/documents/2016/09/21/2016-22589/equal-access-in-accordance-with-an-individuals-gender-identity-in-community-planning-and-development>