

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4514-N-02]

Notice of Responsibility Within HUD for Civil Rights Front-End Reviews of HUD Programs

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise public housing agencies, community planning and development entitlement jurisdictions, owners and managers of assisted housing, other interested parties and members of the public of: the change of responsibility within HUD for civil rights front-end reviews for HUD programs; technical amendments made to HUD's regulations on Compliance Procedures for Affirmative Fair Housing Marketing; and revisions that HUD will make to its handbook on Implementing Affirmative Fair Housing Marketing Requirements.

DATES: *Effective Date:* October 12, 1999.

FOR FURTHER INFORMATION CONTACT:

Pamela Walsh, Office of Programs, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-2288 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Each HUD program discipline (i.e., the Office of Community Planning and Development, the Office of Public and Indian Housing, and the Office of Housing) has lead responsibility for conducting "civil rights" front-end reviews for the programs it administers. These reviews are conducted by program offices designated as Fair Housing "Monitoring" Offices. A front-end review is the first part of the civil rights program review process, and requires a review of a submission made to HUD by a HUD constituent prior to the submission's approval by HUD.

Civil rights front-end reviews encompass confirming the completeness of the review (i.e., that all required items have been fully completed, signed when applicable, and submitted) and, with respect to fair housing and equal opportunity matters, examining submissions for outside civil rights findings and issues, including fair housing marketing plans, site and neighborhood standards, or complete

and accurate applicant certification forms. These reviews are conducted using protocols that are developed by the Office of Fair Housing and Equal Opportunity in consultation with the respective program office.

When a monitoring office conducts a front-end review, the monitoring office's role is limited to screening for errors. The monitoring office is not responsible for making a determination of compliance with the law. When, during a routine front-end review, a civil rights issue is raised that the program discipline cannot resolve through its routine processing practices, the program discipline shall refer the matter to the local Fair Housing and Equal Opportunity Hub (Boston, New York City, Philadelphia, Atlanta, Chicago, Fort Worth, Kansas City, Denver, San Francisco, and Seattle). These offices have been designated as "Civil Rights/ Compliance Reviewing Offices," and will determine what further actions, if any, are needed.

HUD's Office of Fair Housing and Equal Opportunity will work with the program disciplines to (1) develop any "processing" documents needed for conducting front-end reviews, and (2) a quality control system for assuring that the program disciplines are implementing their civil rights-related program responsibilities. The Office of Fair Housing and Equal Opportunity retains statutory and regulatory authority for conducting civil rights compliance reviews and civil rights investigations, and for determining compliance with the civil rights regulations and statutes.

Part 108 of HUD's regulations (24 CFR part 108) establishes compliance procedures for affirmative fair housing marketing, and the regulations place responsibility for monitoring (which includes front-end review of Affirmative Fair Housing Marketing Plans (AFHMPs)) in the Area Office of Fair Housing and Equal Opportunity. With the implementation of HUD 2020 Management Reform, the review of the AFHMPs now rest with the eighteen (18) Housing Hubs within the Office of Housing.

On August 12, 1999, HUD published a rule that makes technical amendments to its regulations in part 108 to reflect the transfer of responsibility for front-end reviews from the Office of Fair Housing and Equal Opportunity to the Monitoring Offices. This notice now designates 18 Housing Hubs (Boston, Buffalo, New York City, Philadelphia, Baltimore, Greensboro, Atlanta, Jacksonville, Chicago, Columbus, Detroit, Fort Worth, Kansas City, Minneapolis, Denver, Los Angeles, San

Francisco, and Seattle) as monitoring offices for purposes of carrying out the monitoring responsibilities in 24 CFR part 108. Developers and/or sponsors must now submit their AFHMPs to the Monitoring Offices.

This notice also designates FHEO's Hubs (Boston, New York City, Philadelphia, Atlanta, Chicago, Fort Worth, Kansas City, Denver, San Francisco, and Seattle) as Civil Rights/ Compliance Reviewing Offices for purposes of carrying out the civil rights compliance review responsibilities in 24 CFR part 108.

Chapter 3 (on Processing of Affirmative Fair Housing Marketing Plans and Related Documents) of the Fair Housing and Equal Opportunity Handbook 8025.1, titled "Implementing Affirmative Fair Housing Marketing Requirements" is undergoing technical amendments to reflect the changes discussed above. Appendix 10 (AFHM Plans Checklist for Completeness) of this handbook, however, will remain the same.

Again, the purpose of this notice is to further disseminate information about the change in responsibilities for civil rights front-end reviews for HUD programs, and technical changes recently made, and to be made, to the applicable HUD regulations and handbooks. The procedures in the regulations and handbook remain the same. The personnel, however, responsible for carrying out the reviews has changed.

Dated: October 4, 1999.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

William C. Apgar,

Assistant Secretary for Housing—Federal Housing Commissioner.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section