

## TABLE OF CONTENTS

### Secretary's Letter

Introduction .....	3
Accomplishments at a Glance .....	4
Budget.....	4
Enforcement of Fair Housing and Disability Rights Laws.....	5
Public Notice on Accessibility.....	5
HUD Website.....	6
Section 811 Program.....	6
HUD Employment.....	6
Public and Indian Housing Notice on Accessibility.....	7
HUD's 504 Self-Evaluation.....	8

### ISSUES AND STRATEGIES

Issue 1: Membership on the PTFEAD .....	9
Issue 2: President's Fair Housing Council.....	9
Issue 3: Loss of Benefits.....	10
Issue 4: Increased Homeownership Rate.....	12
Issue 5: Employment by Program Recipients.....	15
Issue 6: Data on Secondary Employment .....	17
Issue 7: Focus Work Force Development Initiatives.....	17
Issue 8: Enhancing Neighborhood Network Centers .....	19
Issue 9: Employment Actions by Lenders.....	21
Issue 10: Employment in Targeted Programs .....	22
Issue 11: Accessibility of HUD Programs.....	26
Issue 12: HUD Self-Evaluation under Section 504 .....	30
Issue 13: HUD Employment - Retention and Advancement .....	31
Issue 14: HUD Employment - Supervisory Training and Employee Education.....	34
Issue 15: HUD Employment - Accessibility of Facilities and Technology .....	36

Issue 16: Self-Employment - HUD Contracting Opportunities .....39

APPENDICES

Appendix 1: Enforcement and Compliance Activities.....41  
Appendix 2: HUD as a Model Employer .....45  
Appendix 3: Expanding Opportunities for Persons with  
Disabilities in Public Housing.....51  
Appendix 4: Workforce Development Initiatives .....69  
Appendix 5: Programs Targeted to Persons with Disabilities.....77  
Appendix 6: Programs of the Office of Housing and Federal Housing  
Administration.....82  
Appendix 7: Selected Programs of Public and Indian Housing .....88  
Appendix 8: Selected Community and Economic Development  
Programs .....101  
Appendix 9: Fair Housing Programs .....114  
Appendix 10: Jobs for Persons With Disabilities - Activities  
Underway.....119  
Appendix 11: Neighborhood Network Accomplishments.....122  
Appendix 12: Best Practices Success Stories.....128  
  
I. INITIATIVES for 2001.....135  
  
II. NEW INITIATIVES .....138  
  
ACKNOWLEDGMENTS .....142

# **RENEWING THE PLEDGE: EXPANDING EMPLOYMENT OPPORTUNITIES FOR ADULTS WITH DISABILITIES**

## **HUD REPORT 2000**

### **I. Introduction**

On March 13, 1998, President Clinton signed Executive Order 13078, establishing the Presidential Task Force on the Employment of Adults with Disabilities (PTFEAD). The PTFEAD has the mandate to create a coordinated aggressive national policy to help adults with disabilities gain employment at a rate that is as close as possible to that of the general population.

Under the President's Executive Order, the Department is required to submit to the Presidential Task Force a report on its examination of HUD "programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities." The Secretary asked the Assistant Secretary for Fair Housing and Equal Opportunity to assume the lead in assuring that HUD's report was prepared and submitted. HUD's report was prepared with the assistance of a Department-wide Working Group established by the Deputy Secretary in May 1999. The report was submitted to the Presidential Task Force by Secretary Andrew Cuomo on September 16, 1999. The Secretary told the Presidential Task Force that "HUD realizes that persons with disabilities face many challenges to living in the mainstream of American society" and that their "difficulty in obtaining decent, safe, sanitary, affordable and accessible housing affects their ability to find work and access public services and transportation."

HUD's 1999 report to the Presidential Task Force is a policy statement of HUD's commitment to the goals of the Executive Order 13078 and a strategy for actions that have guided HUD into the new century. Noting that obtaining affordable housing and the location of that housing is often key to employment, the report concluded that most HUD programs can contribute directly or indirectly to the goal of employing persons with disabilities. The 1999 Report summarizes related enforcement and compliance activities, profiles HUD's employment record, highlights activities already underway and discusses strategies for addressing issues affecting HUD and program generated jobs. The report places HUD in a proactive posture to support an aggressive policy to provide economic opportunity to individuals with disabilities.

The 1999 HUD report to the Presidential Task Force contained 16 issues and 70 action strategies to be addressed and implemented in 2000. A new Working Group was formed by the Assistant Secretary for Fair Housing and Equal Opportunity to carry out this task, and that Working Group has held more than ten meetings. The observance of the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) on

July 26, 2000, provided HUD with the opportunity to survey the progress it has made in its commitment to the Presidential Task Force.

The ADA and subsequent Executive Orders issued by the Clinton-Gore Administration have provided additional leverage to open doors in the workplace to many Americans with disabilities who have been denied the opportunity to work because of attitudinal barriers at all levels of society. Sadly, today the percentage of Americans with disabilities who are working is less than it was in 1990 when the landmark ADA was made the law of the land. President Clinton and Vice President Gore have said that America cannot continue to close its eyes and ears to this valuable pool of qualified and highly motivated workers who are asking only that they be given a chance to earn a paycheck, to become taxpayers and to be contributing members of their community. In short, the President and the Secretary have said that “no one in America can be left behind.”

The Department is pleased to address the issues and strategies in its 1999 report to the Presidential Task Force that advance toward eliminating many of the barriers to accessible, affordable housing that exist for persons with disabilities and providing them with additional opportunities for meaningful long-term employment. The Secretary is planning to send letters in the near future to more than 50,000 HUD partners encouraging them to provide employment opportunities to persons with disabilities. The letter has an attachment listing disability-related websites that can be helpful to individuals, organizations and businesses.

## **II. Accomplishments at a Glance**

### **Budget**

HUD has dramatically increased its funding for fair housing activities and disability-rights related activities over the last several years. In FY 1998, the budget for fair housing was \$30 million. In FY 1999, it was increased to \$40 million, (a 33% increase), its highest level ever. In FY 2000, the Department surpassed even the 1999 level, obtaining a fair housing budget of \$44 million. For FY 2001, HUD has proposed \$50 million for fair housing activities, recognizing that the steady budget increases during Secretary Cuomo’s tenure have better positioned the Department to make substantive gains in reducing housing discrimination, thereby opening doors for the employment of adults with disabilities.

Since discrimination based on disability continues to be the second most frequent complaint filed with the Department and substantially-equivalent state and local fair housing agencies, much of this funding goes to promote housing and related employment opportunities for people with disabilities. In FY 1999 and FY 2000, HUD set aside \$750,000 for organizations that perform education and outreach regarding the

requirements of the Fair Housing Act and other laws that address the needs and concerns of individuals with disabilities. HUD's FY 2000 Fair Housing Assistance Notice of Funding Availability (NOFA) earmarked \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions to encourage the adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.

The Department will provide a \$1 million grant to fund Project Accessibility Training and Technical Assistance (PATTA). This project will assist builders, developers, architects, building code officials and others with the accessibility requirements of the Fair Housing Act. The pilot will establish a training and technical assistance center in one or more regions of the country. The Department has proposed \$1.5 million in its FY 2001 budget to expand this program to four regions of the country.

The Department was authorized in the FY 2000 budget to spend up to 25% of the Section 811 budget on tenant-based assistance which resulted in approximately 1800 vouchers for mainstreaming individuals with disabilities. The Department has requested authorization to spend up to 50% of its FY 2001 Section 811 budget on tenant-based assistance.

### **Enforcement of Fair Housing and Disability Rights Laws**

Just after complaints of race discrimination, complaints under the Fair Housing Act alleging housing discrimination on the basis of disability have been the most frequent type of complaint filed with HUD, and with state and local fair housing agencies with substantially-equivalent authority. The Department and state and local agencies have obtained successful resolutions in disability cases more frequently than in any other category of cases. Since 1997, the Department and substantially-equivalent state and local agencies have obtained over \$7.2 million in over 830 cases resolved, or about \$8,600 per case on average.

HUD and the Department of Justice (DOJ) have worked together to identify cases where it is alleged that the respondent has built inaccessible housing in violation of the Fair Housing Act. Teams consisting of representatives from both agencies review complaints filed with HUD to determine which are pattern and practice cases that will be handled by the Department of Justice.

### **Public Notice On Accessibility**

HUD expects to publish a notice in the Federal Register in the 1<sup>st</sup> quarter of FY 2001, entitled *Community Planning and Development Formula Program: Assisting Persons with Disabilities – Recipients' Affirmatively Furthering Fair Housing*

*Responsibilities and Involvement of Persons with Disabilities in Planning Actions.*

The purpose of this notice is to reemphasize the responsibility of Community Planning and Development formula grant program recipients to (1) affirmatively further fair housing which includes analyzing compliance with the multifamily design and construction requirements of the Fair Housing Act (the Act); and (2) include individuals with disabilities in the citizen participation process for the development of Consolidated Plans and Annual Action Plans.

In addition, recipients are encouraged to take other actions to advance fair housing choice for persons with disabilities in support of their certification to affirmatively further fair housing, including reviewing local building codes for inconsistencies with the Act's accessibility requirements. Recipients are also encouraged to act as early as possible in the project design phase to inform builders and architects of the accessibility requirements of the Act.

### **HUD Website**

New links have been developed for HUD's website for use by partners so that they can learn more about creating employment opportunities for adults with disabilities and address the needs and concerns of individuals with disabilities. The Website also contains a list of HUD accomplishments in supporting individuals with disabilities.

### **Section 811 Program**

The Section 811 Program NOFA for FY 2000 required applicants to include an employment plan for prospective residents in the Supportive Services Plan of their application.

### **HUD Employment**

The Department is determined to become a model employer. As of June 30, 2000, employees with disabilities comprised 8.4 percent of HUD's total work force. Of the employees with disabilities (883), 16.5 percent have targeted or severe disabilities. While HUD remains in a limited recruitment and hiring posture, persons with disabilities comprised 7.8 percent of all new hires. Of the new hires with disabilities, 9.5 percent have targeted or severe disabilities. It was also noted that during Fiscal Year 2000, twenty-four (24) employees with disabilities left the Department (16 voluntarily and 8 with expired temporary appointments). This represents a slight decrease of 0.5 percent in their work force representation.

The President issued Executive Order 13163 on July 26, 2000, to Federal agencies in order to promote increased opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal government and to support the goals

articulated in Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791). The President wants 100,000 persons with disabilities hired over the next five years and requires every Federal agency to develop plans to accomplish this goal. HUD is committed to hire 600 persons with disabilities over the next 5 years.

HUD will use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities.

HUD has one of the best “Disabled Veterans Affirmative Action Programs” among Federal agencies. The program seeks to ensure full and fair employment consideration for all qualified disabled veterans, by assuring the removal of restrictive barriers that would prevent or discourage them from applying for HUD jobs.

A list of organizations that support, educate, or advocate for persons with disabilities has been prepared and these groups will receive periodic electronic notification of HUD job vacancies posted on USAJobs.

HUD employees will be asked to indicate whether they have a disability that requires special resources, and special accommodations will be made for them. Every HUD vacancy announcement contains a statement that reasonable accommodations will be made for individuals with disabilities. A reminder notice about available resources for accommodations will be included with the application for best qualified applicants when they are forwarded to a selecting official.

HUD is developing a new guidebook on the employment of persons with disabilities to serve as a reference resource for managers and supervisors. The Guidebook contains an ongoing training module.

### **Public and Indian Housing Notice on Accessibility**

On December 15, 1999, HUD’s Office of Public and Indian Housing issued a Notice (PIH 99-52) to remind recipients of Federal public and Indian housing funds of their obligation to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility in Federally-funded public housing and non-housing programs and in certain Indian housing and non-housing programs. Additionally, the Notice provides information on key compliance elements of the relevant regulations and examples and resources to enhance recipients’ compliance efforts.

### **HUD’s 504 Self-Evaluation**

HUD will develop an Action plan and began to conduct its 504 Self-Evaluation in 2001. This evaluation will cover policies and practices. The evaluation is to also cover accessibility of HUD offices where programs and activities are provided. By 2002, HUD's most frequently requested documents will be available in accessible formats, especially those relating to fair housing, disability rights, programs and services.

## HUD REPORT 2000

# TRACKING STRATEGIES AND ACTIONS TO HELP ADULTS WITH DISABILITIES SECURE EMPLOYMENT AND OTHER ASSISTANCE

### **Issue #1: Membership on the PTFEAD**

The Department of Housing and Urban Development (HUD) is not a member of the Presidential Task Force, despite the fact that accessible housing convenient to opportunities for jobs is essential to the employment of adults with disabilities. In addition, the Department offers programs fostering employment and entrepreneurial incentives that should benefit adults with disabilities, especially those living in or who will find it convenient to work in low-income areas.

#### **Strategy:**

- 1. Seek to have the Secretary of Housing and Urban Development become a full member of the Presidential Task Force.**

*The Secretary's appointment to the Presidential Task Force was announced on April 13, 2000.*

### **Issue #2: President's Fair Housing Council**

The Department is authorized by Executive Order 12892 to chair the 15-member President's Fair Housing Council. Many of the Presidential Task Force members sit on this council, along with the heads of other departments who are not on the Task Force. Though not represented on the Task Force, other departments may be essential to providing housing or economic development opportunities to adults with disabilities and thereby improve their employment opportunities.

#### **Strategy:**

- 1. Convene the President's Fair Housing Council in the year 2000 to explore a range of fair housing issues including better ways to link fair housing to improved employment opportunities for adults with disabilities.**

*Over the past six years, the Secretary has affirmatively promoted fair and equal housing opportunities for all Americans, with particular attention to housing opportunities for individuals with disabilities. In pursuit of this goal, he has met with other cabinet*

*officials, housing and lending industry officials and others.*

*HUD has also entered into a Memorandum of Understanding (MOU) with Departments of Treasury and Justice to formalize administrative procedures that ensure that owners enjoying substantial financial benefits from the low-income housing tax credit program comply with the nation's fair housing laws. When HUD or Justice find that properties financed, constructed, or operated using tax credits is in noncompliance, the Internal Revenue Service will notify the subject property owners that an adverse final judgment of discrimination could result in the loss of the tax credits.*

*Consistent with Executive Order 12892, HUD staff will continue to meet with staff from other Federal agencies in order to affirmatively further fair housing.*

### **Issue #3: Loss of Benefits**

In HUD's housing programs that base eligibility, either in whole or in part, on whether or not the person has a disability, the definition of a "person with disabilities" in the authorizing legislation or implementing regulations for the particular program may actually be a disincentive to such persons becoming employed or staying employed.

#### **Strategies:**

- 1. Review HUD's statutes and regulations and propose appropriate revisions to extend the time frames for receiving housing benefits after employment and otherwise maximize employment opportunities for persons with disabilities.**

*In PTFEAD's second report, published on November 15, 1999, the President directs HUD to explore steps needed to establish an earned income disregard for tenants with disabilities living in other than Public Housing Authority housing who return to work, and to exempt any disability related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.*

*HUD's Office of Public and Indian Housing (PIH) completed action on this strategy for public housing. Section 508(b) of the Quality Housing and Work Responsibility Action of 1998 (a.k.a. Public Housing Reform Act) added a provision to the United States Housing Act of 1937 that establishes a disallowance of earned income from rent determinations in public housing projects and Section 8 tenant-based assistance. The provision requires PHAs to disregard 100 percent of earned income for a period of 12 months, followed by a rent increase of only 50 percent of the amount it otherwise would have*

been increased without the disregard. On March 29, 2000, HUD published a final rule in the Federal Register entitled Changes to Admissions and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs ( 65 FR16692), which includes an income disregards section (codified at 24 CFR 960.255) that is applicable to families residing in public housing.

Action on this strategy for Section 8 housing vouchers and other HUD programs is ongoing. On July 26, 2000, HUD announced a new proposed rule that would extend earned income disregards, as applied to individuals with disabilities, to Section 8 tenant-based housing vouchers, but also to the HOME program, the Housing Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. The proposed rule also clarifies the applicability of deductions for disability-related expenses, including medical and attendant care expenses, for not only public housing and section 8 rental housing, but also for a broad range of HUD housing assistance, including the HOME program, Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons with Disabilities. The proposed rule was published in the Federal Register on August 21, 2000 (65 FR 50842).

- 2. Through participation on PTFEAD committees, work with the Social Security Administration (SSA) and the Departments of Transportation, Agriculture, Education, and Health and Human Services to implement new regulations, conduct a demonstration/pilot project, or in other ways coordinate each Department's respective program requirements to reduce disincentives and barriers to work for persons with disabilities.**

*HUD will explore opportunities with other Federal agencies impacted by the passage of the 1999 Ticket to Work and Work Incentive Improvement Act. This legislation provides two landmark measures that have the potential of enabling millions of Americans with disabilities to join the workforce. The first is the creation of the Ticket to Work Program administered by SSA, which modernizes employment-related services offered to Americans with disabilities. Individuals with disabilities will be able to get job-related training and placement assistance from an approved provider of their choice. The second measure expands health care coverage so that individuals with disabilities will be able to become employed without fear of losing their health insurance.*

- 3. Work with the Social Security Administration to change the way it determines Social Security Insurance or Social Security Disability Insurance benefits to eliminate the disincentives to employment.**

*(See above reference to Ticket to Work and Work Incentive Improvement Act, Strategy No. 2)*

#### **Issue #4: Increased Homeownership Rate**

Disability advocacy groups have estimated that the homeownership rate among individuals with disabilities is about two percent. In November 1994, President Clinton directed the Secretary of HUD to form a partnership of public and private organizations with the goal of increasing homeownership rates and identifying and removing existing barriers to homeownership.

A National Homeownership Strategy of 100 Actions was developed to aid the National Partners in achieving these goals. Actions include increasing outreach regarding homeownership opportunities to traditionally underserved groups, such as individuals with disabilities as well as various steps to provide housing counseling and education.

#### **Strategies:**

- 1. In FY 2000, as part of the National Partners for Homeownership, have HUD include an award program for the production of housing with universal design.**

*One of the Secretary's Awards programs, which is part of the overall National Homeownership Strategy, is the Alan Rothman Award for excellence in universal design. The competition was held in 1999, and award winners were honored at an American Institute of Architects dinner.*

- 2. Send a letter from the Secretary of HUD to all the partners involved in the strategy describing the link between housing and employment for individuals with disabilities. The letter should encourage the partners to increase their outreach efforts and to hire individuals with disabilities within their own organizations.**

*On July 25, 2000, HUD issued Mortgage Letter 00-24, "Single Family Loan Production - Increasing Homeownership Rates for Persons with Disabilities", which reemphasizes HUD's commitment to make home ownership a reality for persons with disabilities and encourages its lender partners to make this dream possible through increased, but prudent, flexibility when underwriting their loan applications.*

- 3. Continue to focus attention on the homeownership needs of individuals with disabilities, by such means as: briefings of**

**Congressional staffs concerning underserved populations and by publication of articles in the National Partners for Homeownership's quarterly newsletter Keynotes.**

*In June 1999, HUD staff briefed Congressional staffs through the National Partners in Homeownership, and barriers on Homeownership by individuals with disabilities was discussed. Articles are posted on the HUD Website in lieu of the Keynotes newsletter. An article was posted in June 2000 as part of National Homeownership Week and it contained follow-up to the Keynotes edition that focused on homeownership for individuals with disabilities.*

*On September 12, 2000, HUD published a Final Rule in the Federal Register (65 FR55134) that allows Section 8 Housing Choice vouchers to be used for homeownership. The final rule takes steps to ensure that families that are headed by individuals with disabilities will use the program, including: (1) waiving maximum term limits on the length of the voucher subsidy and employment requirements, which otherwise apply to participation in the program; (2) allowing minimum income requirements to be met from welfare assistance as well as earnings; (3) waiving a requirement that the participant be a first-time homebuyer, where this is necessary as a reasonable accommodation for individuals with disabilities; and (4) specifying that the debt incurred to make the home accessible, if needed as a reasonable accommodation, will be part of the homeownership expense eligible for subsidy.*

*Further, HUD's FY 2000 NOFA for the HOPE VI Revitalization Program, (65 FR9599) provided rating points to applicants who stated in their applications that they will make at least 5 percent of for-sale units in HOPE VI projects accessible to individuals with mobility disabilities and two (2) percent of for-sale units accessible to individuals who have visual or hearing disabilities. HUD also published a document in January, 2000, entitled Strategies for Providing Accessibility & Visibility for HOPE VI and Mixed Finance Homeownership. Further, in July 2000, HUD began regional design training, which contained a presentation by accessibility advocates on the subject of accessibility and visibility in HOPE VI, mixed-finance, and homeownership communities.*

- 4. Encourage greater involvement of individuals with disabilities in the Consolidated Plan process at the state and local levels to increase their participation in the HOME and CDBG programs.**

*HUD expects to published a notice in the Federal Register in the 1<sup>st</sup> quarter of FY 2001, addressed to Community Planning and*

*Development formula grant program recipients, including Mayors, County Executives and Governors, and others, entitled "Affirmatively furthering fair housing and the accessibility requirements of the Fair Housing Act." The purpose of this notice is to reemphasize the responsibility of the addressees (1) to analyze compliance with the multifamily design and construction requirements of the Act, and (2) to include individuals with disabilities in the citizen participation process for the development of the Consolidated Plan and Annual Action Plans. HUD in its review of Annual Action Plan submissions and during on-site reviews, will consider whether jurisdictions are giving appropriate attention to Action Plans to comply with the accessibility requirements of the Act by both private and public housing providers.*

*In addition, recipients are encouraged to take other actions to advance fair housing choice for persons with disabilities in support of their certification to affirmatively further fair housing, including reviewing local building codes for inconsistencies with the Act's accessibility requirements. Recipients are also encouraged to find ways as early as possible in the project design phase to inform builders and architects of the accessibility requirements of the Act.*

*Each of the HUD program offices conducts front-end reviews to ensure that the programs it administers meet the Fair Housing Act requirements. In particular, CPD conducts front-end reviews of the Consolidated Plans submitted to it by state and local jurisdictions. In conducting these front-end reviews, CPD uses a Suggested Checklist for Review of Requirements for Section 504. The checklist specifically includes a review of the state/local jurisdiction's communications with individuals who have disabilities to ensure that they receive the benefits and services of programs.*

*Where CPD identifies a consolidated Plan that does not adequately address these areas, it notifies the state/local jurisdiction to timely correct the deficiencies in its plan.*

*FHEO is conducting quality-control review of 35% of the front-end reviews to ensure that they are being handled appropriately.*

**5. Provide guidance to jurisdictions on implementing programs to assist individuals with disabilities and special needs.**

*Community Builders in HUD field offices work with local partners to market HUD programs and services that meet the needs of underserved populations. A variety of projects to increase homeownership and affordable housing opportunities for persons with disabilities were planned, initiated or completed in FY 2000.*

*Appendix 12 contains examples of the range of projects undertaken. Community Builders will continue this effort in FY 2001 and reach out to disability service organizations and persons with disabilities in all field office jurisdictions.*

*The Secretary awarded \$5.2 million in grants on March 14, 2000, to help more than 5,500 low-income elderly persons and persons with disabilities living in HUD subsidized housing to obtain health care, meals and other supportive services they need in order to live in their own units and avoid being placed in nursing homes and institutions.*

*HUD's Report to Congress entitled "Rental Assistance--The Worsening Crisis", was released in March 2000. The report contains statistics regarding non-elderly disabled families experiencing physical housing problems such as overcrowding or a high rent burden (paying more than half of their incomes for rent). The report found that the number of non-elderly adults with disabilities in families with worst case housing needs was between 1.1 million and 1.4 million.*

- 6. In conjunction with the PTFEAD, work with the U.S. Bureau of the Census and disability advocacy groups to determine reliable ways of measuring the homeownership rate among individuals with disabilities. Encourage the U.S. Bureau of the Census to collect this data.**

*This strategy will be addressed in 2001.*

#### **Issue #5: Employment by Program Recipients**

State and local government agencies, developers, lenders, contractors, non-profit organizations, and other recipients of HUD funds lack flexibility in their employment practices to accommodate various levels of capacity to work. The level of capacity depends on the type and severity of the disability. The capacity can range from sporadic to full-time employment and from flex hours to standard office hours. Options can include telecommuting and related use of the Internet and other information technology.

Some employees of HUD recipients may harbor negative attitudes or work in environments hostile to individuals with disabilities. Further, the facility where HUD-funded activities and services are provided and/or the site for the administrations of HUD-assisted activities may contain architectural barriers, physical obstructions in workplace layout, furniture, equipment difficulties, and an absence of assistive devices.

Many operators of HUD's programs may not fully appreciate the potential that these programs have for serving individuals with disabilities. They also are not knowledgeable

about the interest of this population in becoming employed. Employers often do not understand how reasonable accommodations could open both training and employment opportunities to individuals with disabilities without causing undue hardship.

While recipients are prohibited from discriminating in their employment and program services based on disability, there are few incentives for proactive employment measures by recipients.

**Strategies:**

- 1. Given available resources, by the end of FY 2000, seek to develop a series of videotape training modules on employment of adults with disabilities that is directed to HUD recipients and others, such as lenders and contractors that participate in HUD programs. The videotapes should be suitable for use in HUD-sponsored training in each of HUD's major programs.**
- 2. Identify and inform HUD recipients of the Federal tax incentives for removing architectural barriers and employing people with disabilities.**

*Strategies 1 and 2 will be addressed in 2001.*

- 3. Send a letter to HUD recipients in FY 2000 encouraging them to be proactive in their employment of persons with disabilities. Provide examples of reasonable accommodations for persons with mental and physical disabilities.**

*The letter to approximately 50,000 HUD partners will be mailed out in the first quarter in the FY 2001. The letter will urge partners to recruit and employ adults with disabilities. A list of appropriate disability/related Websites, which can provide HUD partners with specific employment related resources, will be attached to the letter.*

- 4. Encourage non-profit advocacy groups representing individuals with disabilities to establish a program to review the employment policies and practices and provide awards of recognition for going beyond nondiscrimination in housing related industries. Awards could be given to lenders, real estate firms, closing agents, title companies, developers, appraisal firms, inspection firms, management agents, etc.**

*This strategy will be addressed in 2001.*

**5. Publicize these awards on HUD's Website, in brochures, and other promotional tools.**

*This strategy will be addressed in 2001.*

**Issue #6: Data on Secondary Employment**

One of HUD's strategic goals in promoting jobs is to create economic opportunities. Although HUD is able to determine the number of jobs created through its assistance programs, there is a lack of data upon which to determine the extent to which individuals with disabilities obtain jobs and other economic benefits through HUD-insured and assisted programs.

The potential sources of data include lenders who participate in the mortgage insurance programs, housing authorities, community development agencies, non-profit organizations, developers, builders, contractors, and others that directly and indirectly receive HUD grants/assistance.

**Strategies:**

- 1. In conjunction with the PTFEAD and other grant-making agencies, explore this issue with the Office of Management and Budget. Help develop a proposal that will allow HUD to assess the extent to which individuals with disabilities receive jobs through HUD's workforce development initiatives and other HUD program-generated training and employment.**
- 2. Gather information regarding recipients' employment of adults with disabilities as part of the FY 2000 Compliance and Monitoring Initiative.**

*Strategies 1 and 2 will be addressed in 2001.*

**Issue #7: Focus Work Force Development Initiatives**

HUD has a variety of workforce development initiatives (see Appendix 4), which provide training, supportive services, and job opportunities for persons receiving welfare, residents of public housing, and persons residing in low-income communities. While individuals with disabilities are eligible to participate in these programs, enhanced benefits may result from guidance to the program operators, outreach to disability advocacy organizations, and assessment of participation.

Section 3 of the HUD Act of 1968 (jobs for residents) eligibility is based on income (low and very low-income persons) and geography (residents of public housing or HUD-assisted neighborhoods). There is no data on the extent to which persons seeking, applying for, or who have filed complaints may have a disability.

**Strategies:**

- 1. In coordination with the Departments of Labor and Health and Human Services and through participation on the Committees of the Presidential Task Force, explore the possibility of a joint pilot/demonstration effort designed to maximize the employment of adults with disabilities in Section 3 training, jobs, and contracts within a Section 3 project area.**

*Efforts are underway to contact organizations that focus on individuals with disabilities to promote Section 3 with their constituents.*

- 2. Provide additional technical assistance to the recipients of HUD funds on the applicability of Section 3 for individuals with disabilities. Include information about the benefits of employing adults with disabilities, types of accommodations (many of which are low cost), and linkages with other federal programs such as the IRS Code Section 44 Disabled Access Credit (tax incentives for small businesses which make their businesses accessible to individuals with disabilities).**

*Additional technical assistance and training will be provided to those organizations that foster employment of persons with disabilities.*

- 3. Explore the feasibility of collecting data regarding the number of employable adults with disabilities living in public housing and HUD-assisted multifamily housing.**

*This strategy will continue to be addressed in 2001.*

*For multifamily housing, modifications to HUD's Tenant Rental Assistance Certification System (TRACS) are being implemented so that HUD will be able to identify which units in the multifamily inventory of 30,000 assisted projects are accessible to individuals with disabilities. Specifically, HUD will know which units are accessible to persons with mobility impairments, persons with visual impairments and persons with hearing impairments. In addition,*

*TRACS will record the owner's assessment of the person's need for a unit with accessibility features. The changes will be operational in 2001.*

**4. Encourage program administrators of work force development programs to conduct special outreach to eligible participants with disabilities.**

*This strategy will be addressed in 2001.*

**Issue #8: Enhancing Neighborhood Network Centers**

More Neighborhood Network (NN) Centers are needed in developments where there are residents with disabilities to help them improve their job skills, expand their education, and become more self-sufficient. (See Appendix 4 for a program description).

HUD mitigates some of the cost of developing NN Centers and purchasing computers (e.g. developing a center is an acceptable use under the Drug Elimination Grant Program and New Approach Anti-Drug Grant Program). However, HUD does not provide direct source funding for the development of NN Centers or for the purchase of computer equipment.

In projects not specifically for persons with disabilities or in projects located where an existing portion of the structure is used for the NN Center and the structure was built prior to fair housing guidelines and the Section 504 requirements, the center may not be physically accessible to persons with disabilities.

The increasing dependency on computer technology in the workplace is a significant barrier to employment for persons with developmental disabilities and the sight/visual impaired.

The computer equipment in the NN Center may not be able to be used by all people with disabilities.

The NN Centers tend to have limited financial resources, although this may not necessarily be a barrier. When the financial limitations are worked out at the local level, the community, the owners, and the residents take a more vested interest in the Center's success.

**Strategies:**

- 1. Explore other avenues for funding development of NN centers through HUD's existing programs (e.g. Section 241 Supplemental Loans for Multifamily Projects), as well as explore the possibility of requesting Congress to provide funding specifically for the development and staffing of NN centers and the purchase of accessible computer equipment.**

*While no specific funds are provided for Neighborhood Networks in assisted housing, owners may use funds from a project's residual receipts account to pay for learning center development. Owners may also borrow funds from the replacement reserve account. Local partners support the program through donations such as used computers, educational and technical software, job training, business development, volunteers, capital funding, and linkages with schools and community colleges.*

*During the past year, HUD has made significant progress in expanding Neighborhood Networks Initiatives to enable the residents of HUD housing, including adults with disabilities, to gain access to technology and thereby move from welfare to work. A list of accomplishments since January 2000 is included in Appendix 11.*

- 2. Survey all existing NN centers to determine if any of the centers or computer equipment is inaccessible to any of the residents with disabilities. If centers or equipment are inaccessible, explore what reasonable accommodations can be made and assist project management in obtaining financial resources to make them accessible.**

*HUD is modifying the current NN Evaluation Form which will include questions regarding the accessibility of the center and the equipment and the need to make the center and equipment more accessible. The form will be sent to all NN centers in spring 2001.*

- 3. Continue to encourage insured and assisted housing projects to develop Neighborhood Network centers, especially in projects where persons with disabilities reside.**

*In June 2000, HUD offered the third installment of the NN Regional Technical Assistance Project (RTAP) at which the topic "Putting Technology to Work at Your Center" was presented at seven sites across the country. This topic was also discussed at HUD's Best Practices Conference in Washington, DC, in August 2000.*

*The discussion covered how centers can best use technology to meet their programmatic and operational goals. As a way to encourage*

*insured and assisted housing projects to develop NN centers in projects where persons with disabilities reside, part of the session was devoted to computer-related assistive technology including computer hardware and software designed specifically for use by individuals with disabilities. In this session, participants had the opportunity to:*

*View demonstrations of a variety of hardware and software designed specifically for use by mobility impaired, visually impaired and learning disabled individuals;*

*Discuss affordable options to obtain computer assistive technology;*

*Obtain written material about computer assistive technology; and*

*Learn about other sources of information on this important topic.*

*HUD is proposing to develop a session for use at any NN related conference on how to develop accessible common use areas, including NN centers, in multifamily properties. The session will provide practical guidance to help property owners comply with the FHA Accessibility Guidelines and ADA requirements.*

### **Issue #9: Employment Actions by Lenders**

Insurance provided through HUD's mortgage insurance programs is not awarded on a competitive basis. Yet HUD must approve lenders. Although these programs do not mandate employment of individuals with disabilities, they indirectly facilitate employment through the location of the housing that is insured. Participating lenders must be in full compliance with all laws regarding access by and employment of persons with disabilities. The lack of incentives rewarding the employment of persons with disabilities by those firms/companies/organizations that do business with HUD can be seen as a lost opportunity to increase the employment of adults with disabilities.

#### **Strategies:**

- 1. Publicize common misperceptions about employing adults with disabilities, provide information correcting these misperceptions, and list links to resources available to help employers identify and reduce the cost of obtaining equipment adapted for specific disabilities.**

2. **Issue a letter from the Secretary to all current HUD-approved lenders encouraging them to hire individuals with disabilities. The letter would be accompanied by a resource list to learn more about the employability of individuals with disabilities, as well as, where to recruit persons with disabilities (e.g., state rehabilitation offices, nonprofit groups such as centers for independent living, ARCs, National Association for the Deaf, etc.). This list would include the ADA definition of disability with a variety of examples covering a wide range of disabilities. The letter would include a request that the lender inform HUD of any hiring problems concerning individuals with disabilities and/or any support that could be promoted by the Secretary of HUD.**

*The letter to approximately 50,000 HUD partners will be mailed out in the first quarter in FY 2001. The letter will urge partners to recruit and employ adults with disabilities. A list of appropriate disability/related Websites, which can provide HUD partners with specific employment related resources, will be attached to the letter. (Action addresses strategies 1 and 2).*

#### **Issue #10: Employment in Targeted Programs**

Several other programs that either directly or indirectly target assistance to adults with disabilities could better facilitate the employment of adults with disabilities. Such programs include but are not limited to:

Section 811 program of Supportive Housing for Persons with Disabilities  
Section 202 program of Supportive Housing for the Elderly  
Congregate Housing Services Program  
Service Coordinator Program  
Drug Elimination Grant Program  
Housing Counseling Program  
Housing for Persons with AIDS

*CPD has mailed 400 copies of "Phoenix Rising HIV/AIDS Re-entry to Re-employment" Resource Guide to, all HOPWA formula and competitive grantees and CPD field office staff. This Guide deals with issues related to returning to work or seeking employment for persons with AIDS who are newly healthy as a result of new medications. The publication provides worksheets and other formats which enable persons with AIDS (and those assisting them) to determine the impact on entitlements when they become re-employed. The work presented in the Guide will be highlighted at the HOPWA*

*grantees meeting in November 2000. CPD will send letters to all HOPWA grantees informing them of the availability of this publication, instructing them to notify all providers and sub-grantees of how to obtain the publication as part of the Department's commitment to increasing the opportunities for employment of program recipients with disabilities.*

*The Department of Health and Human Services (HHS) and HUD have entered into a Memorandum of Understanding (MOU) to collaborate in a project called access Housing 2000. The goal is to provide mainstream housing opportunities over the next 5 years to individuals with disabilities who are living in institutions and thereby assist with the implementation of the Supreme Court's Olmstead decision. Details of how the MOU will be carried out are still being developed. However, the MOU does provide that in the first year, HUD will make 400 vouchers available. The Vice President announced the MOU during the week of the anniversary of the ADA.*

*HUD has agreed to use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities. These systems, the Native American Economic Development Access Center (Native EDGE) which links fourteen Federal agencies to entrepreneurs and their partners seeking economic development in Indian Country, and CodeTalk, an interagency website for Native American communities, would facilitate the development of opportunities to employ Native Americans with disabilities, particularly through new business enterprises. Partner agencies would provide resources such as disabilities employment and related training to HUD staff, publications and documents to distribute on the Internet, and, when necessary, cooperative funding for technical enhancements and/or expansion of the services. Ideally, the services would operate in concert with a new, Inter-Agency American Indian Disability Technical Assistance Center established through a separate multi-agency agreement under another PTFEAD recommendation. Such a Center would assist the 557 Federally recognized American Indian tribes and Alaska Native Villages to examine the implication of, and potential for adoption of, culturally appropriate laws, policies, and programs to assist their members with disabilities in living healthy, productive, and integrated lives within their communities.*

## **Strategies:**

**1. Send a letter to current program participants (e.g. HUD grant recipients, service coordinators, housing counseling agencies, etc.) encouraging them to reach out into their own communities to:**

- Make employers aware of the employability of adults with disabilities,
- Provide or arrange for employment opportunities for their residents and
- Encourage them to hire persons with disabilities within their organizations.

*The letter to approximately 50,000 HUD partners will be mailed out in the first quarter in FY 2001. The letter will urge partners to recruit and employ adults with disabilities. A list of appropriate disability/related websites, which can provide partners with specific information on employment related resources, will be attached to the letter.*

*In December 1999, HUD issued a Notice (PIH 99-52) to remind recipients of Federal PIH funds of their obligation to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility for people with disabilities in certain Federally-funded housing and non-housing programs, including employment training programs and other self-sufficiency activities. The Notice also provides information on key compliance elements of relevant regulations and examples and resources to enhance recipients' compliance efforts. PHAs and other recipients of Federal PIH funds are responsible for providing this notice to all current and future contractors, agents, and Section 8 owners participating in covered programs, activities or performing work covered under relevant legislation and regulations.*

**2. Explore the possibility of sending a request for a legislative amendment to Congress requesting that Section 811 projects be eligible for the Service Coordinator Program.**

*HUD is in the process of seeking a legislative amendment so that Section 811 projects will be eligible for the Service Coordinator Program. Implementation of the strategy will carry over to FY 2001.*

**3. Consider providing additional points in the evaluation and selection process for the Housing Counseling program to applicants who hire adults with disabilities or make specific outreach efforts to this constituency.**

*HUD will implement this strategy in the FY 2001 NOFA for the Housing Counseling program.*

*FY 2000 NOFAs for two public housing grant programs award rating points to applicants that specifically target either housing or job training to persons with disabilities, as follows:*

*Fair Share Voucher Program*

*One of the rating criteria under the PIH FY 2000 NOFA for the Fair Share Voucher Program addresses persons with disabilities. Under Selection Criterion 4: Disabled Families, HUD assigned rating points to PHAs that specifically state that at least 15 percent or more of the fair share vouchers that they are requesting (or that are funded by HUD) will be used to house disabled families. Further, under Selection Criterion 5: Medicaid Home and Community Based Services Waivers Under Section 1915(c) of the Social Security Act, HUD assigned rating points to applications which state that the PHA would combine the requested/funded vouchers with Medicaid waivers for at least 3% of the new vouchers. (These waivers allow Medicaid-eligible individuals at risk of being placed in hospitals, nursing facilities or intermediate care facilities the alternative of being cared for in their homes and communities.) Additionally, for FY 2001, HUD has requested 120,000 fair share vouchers, of which 5,000 vouchers would be set aside for non-elderly persons with disabilities. The NOFA for these vouchers could provide extra rating points for PHAs that agree to use a portion of their new vouchers to house disabled families and in conjunction with Medicaid waivers.*

*HOPE VI Revitalization Program*

*HUD's FY 2000 NOFA for the HOPE VI Revitalization Program addressed persons with disabilities under two of its rating factors. Under Rating Factor 1: Capacity, PIH evaluates and assigns points based on the applicant having an achievable plan for including minorities, women, and/or individuals with disabilities in the overall planning, development, and management team that will be involved in the HOPE VI revitalization effort. Also, under Rating Factor 3: Soundness of Approach, points are given to an applicant if:*

- (1) The applicant's Community and Supportive Services plan proposes activities that are designed to help all residents, including those with disabilities, achieve self-sufficiency, upward mobility, and economic independence with sustainable "living wage" jobs.*
- (2) The applicant proposes operation and management principles and policies that are promoting economically and*

*demographically diverse living patterns that include all types of persons, including those with disabilities, by “reaching out” to persons with disabilities.*

*(3) The applicant is affirmatively furthering fair housing through accessibility, adaptability, visibility, and diversity regarding the revitalized units and through working with local advocacy groups, which represent persons with disabilities and other special needs populations.*

**4. Require organizations applying for the Section 811 program to include an employment plan for the prospective residents in the Supportive Services Plan of their applications.**

*The FY 2000 Section 811 Program NOFA required sponsors to include an employment plan for prospective residents in the Supportive Services Plan of their applications. Future 811 NOFAs will continue to include a requirement for an employment plan in Section 811 applications.*

**5. Determine the suitability of requiring organizations applying for the Section 202 program to address the potential employment needs of their prospective residents in their applications for funding.**

*HUD will implement this strategy in the FY 2001 NOFA on the Section 202 Supportive Housing for the Elderly program.*

#### **Issue #11: Accessibility of HUD Programs**

HUD receives a large number of requests for information from the disabled community in writing and by telephone. Many adults with disabilities raise complaints about employment and housing discrimination. In fact, on average, the Office of Fair Housing and Equal Opportunity headquarters staff handling disability related issues receive approximately 400 telephone calls a month and over 100 written inquiries a month. There are also walk-in visits from persons with disabilities.

HUD employees are in need of sensitivity training to be better able to address the needs of the disability community. Some HUD offices, at the intake stage, may dismiss claims filed by a disabled person even though the claim may be valid.

Many HUD recipients do not have program information available in alternative formats.

While providing services to persons with disabilities is part of activities set forth in HUD's Strategic Objectives, the Department's Annual Performance Plans can be made more explicit in terms of expectations and measurement of results/outcomes.

HUD has begun including language regarding "visibility" in its Notices of Funding Availability and has reached out to disability advocacy groups regarding the solicitation process. However, HUD can consider new ways of providing additional incentives.

**Strategies:**

- 1. Seek ways to increase the Department's resources for providing a broad range of education and outreach activities focusing on the disability rights laws. Such education and outreach should target consumers, employees, the building industry, HUD recipients, state and local governments, fair housing agencies, and others.**

*In December 1999, HUD issued a Notice (PIH 99-52) to remind recipients of Federal PIH funds of their obligation to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility for people with disabilities in certain Federally-funded housing and non-housing programs including job training and other self-sufficiency programs and activities. PHAs and other recipients of Federal public and Indian housing funds are responsible for providing this notice to all current and future contractors, agents, and Section 8 owners participating in covered programs, activities or performing work covered under relevant legislation and regulations.*

*HUD allocated \$1 million of 1999 Fair Housing Initiatives Program (FHIP) funds and requested \$2.5 million in its 2001 FHIP Congressional budget, to establish one or more Design and Instruction Centers to provide training and Technical Assistance on making housing accessible.*

*In both FY 1999 and FY 2000, HUD set aside \$750,000 for organizations that perform education and outreach regarding the requirements of the Fair Housing Act pertaining to persons with disabilities.*

*The HUD FY 2000 FHIP NOFA earmarked \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions, to encourage the adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.*

*HUD and the Justice Department have worked together in identifying cases where it is alleged that the respondent has built inaccessible housing in violation of the Fair Housing Act. HUD and Justice teams review complaints filed with HUD to determine which are “pattern and practice” cases that will be handled by the Justice Department.*

*The Department, in partnership with Justice, issued joint letters to all of the major building industry organizations and to the State Attorneys General to enlist their support and assistance in educating the building industry about the Fair Housing Act accessibility requirements.*

*The Department has published numerous technical assistance materials relating to accessibility, including the Fair Housing Act Design Manual, Homes for Everyone, Cost of Accessible Housing, and Residential Remodeling.*

*HUD’s Fair Housing and Equal Opportunity Office (FHEO) worked with disability advocates to address their concerns about the complaint investigation process. This effort resulted in revisions to the disability-related claim intake/assessment questionnaire, and a nationwide satellite training broadcast for HUD fair housing field staff in June 1999. The Department has been working to address concerns raised by disability advocates related to the operation of HUD-assisted housing programs, in areas such as de-linking housing and services, and assuring that HUD programs are offered in the most integrated setting.*

*HUD’s Office of Policy Development and Research (PD&R) is currently conducting a study which is examining the extent to which the occupancy of multifamily assisted housing has changed since some developments have been designated “elderly only” instead of giving priority to both elderly persons and persons with disabilities. The study is also looking at how persons with disabilities view the opportunities still available to live in assisted housing in particular community.*

*PD&R is also currently conducting a study entitled “Assessment and Analysis of Multifamily Buildings’ Conformity with Fair Housing Accessibility Provisions.” has been gathering survey data on a nationwide representative sample of multifamily projects constructed since 1988. There are about 386 multifamily developments, containing 1000 buildings being studied. Each site is being carefully assessed to determine types of noncompliance.*

*PD&R will also collect data and conduct focus groups at a small sample of sites in order to investigate how well the Section 8 Voucher programs have addressed the accessibility needs of individuals with*

*disabilities. Families needing special accessibility features face a more difficult housing search than others. There is little or no information available on the extent to which participating families are able to find units that meet their accessibility needs. Focus groups will be conducted at a sample of sites with PHAs, landlords, and families who were successful or unsuccessful in using vouchers.*

*PD&R is currently conducting a study using American Housing Survey (AHS) information to determine how housing has been modified for persons with disabilities.*

*PD&R will conduct a new study which will examine how the size of a development affects its ability to provide quality, accessible housing to persons with disabilities. It will also examine the costs and problems associated with large projects vs. small projects.*

- 2. Encourage state and local enforcement agencies receiving Fair Housing Assistance Program (FHAP) funds to use these funds where necessary to purchase materials to assist in the processing of disability cases. For example, a FHAP agency may use its Administrative Costs funds to produce copies of its fair housing law in Braille and to implement special projects for those with disabilities.**

*State and local FHAP agencies may use their Administrative Costs funds to produce fair housing laws in Braille and to implement special projects for individuals with disabilities.*

- 3. Issue guidance in this area within the next 12 months.**

*FHEO will provide the required guidance in December 2000.*

- 4. Through HUD's compliance, monitoring, and education activities, encourage HUD recipients to provide program information in alternative formats.**

*FHEO has developed a civil rights front-end and limited monitoring review checklist for Section 504 of the Rehabilitation Act of 1973. This checklist provides a quick and easy guide for monitoring the communications and program accessibility requirements pertaining to individuals with disabilities. HUD program offices are using the checklist as they conduct their civil rights front-end and limited monitoring reviews and will encourage HUD recipients to provide program information in alternative formats.*

- 5. Continue to include disability advocacy groups as part of HUD's outreach/education activities with respect to the SuperNOFAs.**

*In the latest NOFA for the HOPE VI Revitalization Program, which is part of the FY 2000 SuperNOFA, applicants are strongly encouraged to work with local advocacy groups which represent persons with disabilities and other special needs populations in their efforts to affirmatively further fair housing regarding accessibility and adaptability of revitalized units.*

*As appropriate, FHEO and other programs offices include members of disability groups in program processes, briefings and other activities.*

- 6. By the end of FY 2002, ensure that the Department's most frequently requested documents are available in accessible formats, particularly those related to fair housing and disability rights, but also those that relate to HUD's programs and services.**

*The Office of Information Technology and Administrative and Management Services, will complete the implementation of this strategy by FY 2002.*

- 7. In FY 2000, design disability sensitivity training for all HUD program staff, both Community Builders and Public Trust Officers. Complete training in FY 2001.**

*In FY 2001 HUD will train Community Builders and Public Trust Officers to assist them to understand housing and employment needs of adults with disabilities and how to leverage other private, state, local and Federal resources, to remove employment barriers. The training will include ways HUD programs can facilitate or promote the employment of adults with disabilities so that Community Builders can inform, sensitize, and encourage potential HUD customers on the benefits of hiring adults with disabilities and ways they can use HUD programs in their efforts.*

- 8. In FY 2001 require Community Builders to conduct at least one outreach program in collaboration with disability advocacy groups specifically about using HUD programs to serve persons with disabilities. This may be HUD-sponsored or as part of meetings sponsored by disability advocacy groups.**

*Secretary Andrew Cuomo reminded HUD Employees in his focus message on July 26, 2000, the 10<sup>th</sup> Anniversary date of the ADA, that there is a wealth of information on the Internet about jobs, recruitment, reasonable accommodation, and other sources that can help family members and friends learn about the law and the opportunities available to people covered by ADA. He suggested the use of the links found at <http://www.HUD.gov/Fheadapartners.html> to learn more.*

*The Office of Field Policy and Management will require all Community Builders, as part of their outreach to underserved populations, to work with disability advocacy groups to market HUD programs and services to meet the needs of persons with disabilities in their areas.*

#### **Issue #12: HUD Self-Evaluation under Section 504.**

Section 504 and HUD's implementing regulations at 24 CFR 9 specifically pertain to HUD-conducted programs and activities. The Department is required on a nationwide basis to conduct a self-evaluation by evaluating its current policies and practices. The evaluation checks the effects of those policies and practices including regulations, handbooks, notices, and other written guidance to see if any do not meet the requirements of Part 9.

For any deficiencies noted, the Department must take necessary corrective actions. HUD has initiated but not completed its self-evaluation. Field Offices have already started evaluation of the physical accessibility of their facilities.

In June 1994, HUD issued a rule at 24 CFR Part 9 implementing this obligation. This rule specified that this self-evaluation would cover accessibility of HUD offices where programs and activities are provided. Included in this evaluation will also be an examination of HUD program regulations.

#### **Strategies:**

- 1. By March 2001, develop a written action plan for completion of the Section 504 Self-Evaluation. The Action Plan will list activities with timelines. The Action Plan will also include an estimate of resources needed to complete the self-evaluation.**
- 2. Seek the assistance/guidance of the PTFEAD in securing additional resources to complete the self-evaluation.**

### 3. Complete the Self-Evaluation by March 2002.

The Department, in consultation with the Presidential Task Force, will devise an action plan that prioritizes activities during FY 2001 and beyond and sets timeframes to undertake HUD's Self-Evaluation under Section 504.

#### Issue #13: HUD Employment - Retention and Advancement

There is limited hiring at HUD due to recent management reform and restructuring.

#### Strategies:

1. As the Department stabilizes from the recent restructuring and with increased outside hiring, increase recruitment and outreach to special needs populations and organizations serving persons with disabilities. There is an opportunity for increased outreach through the most recent Welfare to Work Program and other Special Employment Programs using accepted appointing authorities.

*The HUD Office of Departmental Equal Employment Opportunity (ODEEO) has provided the HUD Working group with the following information on the Department's workforce as of June 2000.*

#### **HUD's Workforce as of June 2000**

<b>Hubs</b>	<b>Disabled</b>	<b>Non-Disabled</b>	<b>Not Identified</b>	<b>Total</b>
One	26 (8%)	284	23	333
Two	59 (9%)	565	20	644
Three	52 (7%)	713	29	794
Four	127 (10%)	1,165	28	1,320
Five	82 (8%)	853	58	993
Six	96 (12%)	694	34	824
Seven	37 (13%)	230	10	277
Eight	83 (16%)	435	16	534
Nine	65 (8%)	714	21	800
Ten	28 (11%)	233	12	263
HQ	228 (6%)	3,242	245	3,715
<b>HUD-wide</b>	<b>883 (8%)</b>	<b>9,118</b>	<b>496</b>	<b>10,497</b>

*As of July 2000, 7.8 percent of all new HUD hires were people with disabilities. Of the new hires, 9.5 percent have targeted or severe disabilities. While these hiring accomplishments are good, it is clear that there is still much to be done.*

*On July 26, 2000, President Clinton issued two Executive Orders regarding persons with disabilities. Executive Order 13163 entitled, "Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government" and Executive Order 13164 entitled, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation." Both Executive Orders reinforce and strengthen the requirements of Section 501 of the Rehabilitation Act of 1973, by directing Federal agencies to take proactive initiatives and actions to locate, recruit, attract, employ, and accommodate qualified persons with disabilities.*

*Executive Order 13163 requires Federal agencies to prepare a plan to increase the number of individuals with disabilities employed within the agency. The Office of Personnel Management (OPM) was appointed to provide guidance to Federal agencies in implementing the above Executive Orders.*

*HUD's commitment to this initiative is to hire 600 persons with disabilities in jobs at HUD over the next five years. HUD has developed a hiring plan in accordance with the guidance provided by OPM. Implementation of HUD's hiring plan is currently awaiting approval. By developing and implementing an aggressive hiring plan, HUD should, can, and will lead the way in promoting opportunities for adults with disabilities.*

**2. Through active recruitment, explore the possibilities of providing vacancy announcements in alternative formats.**

*A statement is included in every vacancy announcement that reasonable accommodations will be made for persons with disabilities. The specific strategy will be addressed in FY 2001.*

**3. For positions filled from the outside, ensure that vacancy announcements continue to be forwarded to various organizations that qualify persons with disabilities for Federal employment. Send vacancy announcements to disability advocacy groups.**

*HUD has compiled a list of organizations that support, educate, or advocate for person with disabilities. In the future, these groups will*

*receive periodic electronic notification that HUD job vacancies are listed on the Office of Personnel Management's USAJobs website..*

- 4. Improve retention of employees with disabilities through increased training resources to meet special training needs of those employees affected by the Department restructuring (i.e. new technology, training specifically designed to meet needs of individual employees).**

*Employees are asked to indicate whether they have a disability that requires special resources. The Training Academy will then make accommodations available for those individuals. Employees with disabilities will be surveyed to determine their specific resource needs and to improve on their retention.*

- 5. Include with the list of best-qualified candidates forwarded by Human Resources staff (whether or not they include persons with disabilities) a reminder notice (e.g. list) of the resources available to all offices to make accommodations for persons with disabilities. This should prove especially helpful for people with vision and hearing disabilities who may require newly purchased equipment.**

*A reminder notice about available resources for accommodations is included with the best-qualified list when it is forwarded to a selecting official.*

- 6. Provide HUD offices with a precise mechanism and the resources needed to process employment complaints from persons with disabilities.**

*This strategy will be addressed in 2001.*

- 7. Review how well managers have performed on the diversity critical element. Give particular attention to hiring, training, and promoting persons with disabilities at all grade levels. Based on this review, each office should make revisions to the Performance Accountability and Communication System (PACS) element or to the PACS review process to further advancement opportunities for people with disabilities.**

*This strategy will be addressed in 2001.*

**Issue #14: HUD Employment -Supervisory Training and Employee Education**

HUD will be providing material to supervisors and staff to better acquaint them with the Department's policy and procedures on reasonable accommodations and other concerns of employees with disabilities.

**Strategies:**

- 1. Update the guidebook entitled "The Employment of Persons with Disabilities: A Guide for Managers and Supervisors" and include it as a module of regular on-going supervisory training or as a stand-alone course. Recommend as required training for new supervisors and refresher training for experienced supervisors.**

*The guide is currently being revised to reflect proper organizational alignment of the Office of Departmental Equal Employment Opportunity (ODEEO) and to ensure its compliance with recently issued OPM and EEOC guidance. To date, the revision is on schedule.*

*This strategy will be completed in 2001.*

- 2. Publish new guidelines on HUD's Website.**

*Once the guide has been completed, it will be added to ODEEO's website, and copies will be distributed to staff.*

- 3. Develop information brochure for employees on reasonable accommodation.**

*Alternative steps will be taken to implement this strategy. A request has been made to move ODEEO information on reasonable accommodation to HUD's main menu on its website for more visibility and use. ODEEO has developed and is placing in Department clearance a fact sheet for inclusion in employee orientation packages. This fact sheet will be readily available to employees requesting information on reasonable accommodation. The target date for completion of this action is FY 2001. Information on disability issues, including reasonable accommodations, is presently available on ODEEO's regular website.*

- 4. Conduct an assessment in FY 2000 to determine the special training needs of employees with disabilities.**

*The next training needs assessment will include a special solicitation of the training needs of persons with disabilities.*

- 5. Develop and conduct technical training for those HUD staff who consult with management (such as Human Resources staff, Equal Opportunity counselors/specialists, Employee Assistance Program staff, and administrative staff) on reasonable accommodations and on sensitivity to persons with disabilities.**

*HUD staff who consult with management will be provided with selected materials and documents for use as readily available desk references (i.e. the Guide for Managers and Supervisors, Fact Sheet, etc.) These HUD staff, EEO Counselors, and others will be also invited to training specifically targeted for managers and supervisors, on the employment and accommodation for persons with disabilities. The training will include sensitivity skills for interacting with persons with disabilities.*

*A fact sheet has been developed on the employment of persons with disabilities and is being placed in Departmental clearance.*

- 6. Develop training that sensitizes managers and supervisors to the concerns of persons with disabilities with the goal of ultimately improving hiring practices, managing work, and employee advancement. This training could also address biases in work assignments, participation in meetings, travel, and Departmental representation.**

*The design, development, and scheduling of such training will be performed pending completion of the guidebook on the employment of persons with disabilities. The guide contains both technical and sensitivity information starting with the roles and responsibilities of managers and supervisors to interacting with persons with disabilities. The guide will serve as the subject matter of the training course.*

*Action on this strategy will commence in 2001.*

- 7. As part of the new employee orientation and through annual bulletins (hard copy or electronic), advise employees of their protections and the procedures for seeking reasonable accommodations.**

*Beginning on Monday, June 19, 2000, new employee orientation included information on reasonable accommodation issues and*

*procedures. ODEEO will post on HUD's internet and intranet sites a bulletin (fact sheet) and other materials containing similar information for all employees.*

#### **Issue #15: HUD Employment - Accessibility of Facilities and Technology**

The absence of or limitations on accessible facilities and technology do not foster employment of adults with disabilities.

#### **Strategies:**

- 1. Inform new and existing employees that Department resources are available to accommodate persons with disabilities. The Department can provide:**

- Machines to add audio capacity to computers,**
- Machines to convert documents to Braille,**
- Large print readers,**
- Persons who can assist in redesigning floor plans or making other interior changes for persons with mobility impairments, and**
- Interpreters**

*New employee orientation will address reasonable accommodation resources and other disability issues.*

- 2. Ensure that a supply of all of the Department's most frequently requested documents are available in accessible formats, particular those related to fair housing and disability rights, but also those that relate to HUD's programs and services. HUD should conduct a document review in FY 2000.**

*Under the section entitled "For Further Information Contact" in all HUD proposed and final rules and notices that are published in the Federal Register, persons with hearing or speech disabilities may access a contact person's telephone number via TTY (text telephone) by calling the Federal Information Relay Service at 1-800-877-8339 (toll-free number).*

*HUD's Real Estate Assessment Center (REAC) expects that most blind people will request REAC documents in electronic format. REAC has access to a Braille printer and can transcribe any document into Braille upon request.*

- 3. Continue efforts to meet the requirements of Section 504 for full accessibility of all Departmental information, technology systems.**

*Currently, the Office of Information Technology has installed at least 100 pieces of equipment to accommodate at least 50 persons with disabilities. In addition, 10 software programs and 5 proposals for hardware, which would improve accessibility, are being evaluated . However, final projects and work are pending until the Access Board publishes the final rules outlining accessibility standards. The work is ongoing.*

- 4. Broaden access to HUD storefronts, kiosks, and offices to all groups of persons with disabilities by producing HUD program information in alternative formats.**

*HUD storefronts all meet ADA requirements. In addition, each one contains a desk to use a HAM (HUD Answering Machine), which is designed specifically for wheelchair access. With regard to the kiosks, HUD's Office of Information Technology (IT) is working with the contractor who develops and installs the kiosks to make them more accessible to disabled persons. IT is also reviewing the accessibility of facilities where HUD programs and services are offered.*

- 5. Continue partnerships with employee representative groups, employees with disabilities groups, and organizations for persons with disabilities to ensure that standards are met to provide accessibility to all HUD facilities.**

*Access to all HUD facilities is a continuing concern of the Department and will be discussed with employee representative organizations and other groups as necessary.*

- 6. Improve access to e-mail for the visually impaired and also improve access to information on the Internet and Intranet. Specifically, blind and low vision employees are unable to fully access information on the web due to limitations with the web browser and the design of some web pages. The Disabled Accommodations Project is currently addressing these issues in an effort to provide access to electronic mail and electronic information on the web on an equal basis.**

*The FY 2001 HUD Budget request provides for machines to aid the audio capacity of computers, machines to convert documents to braille, and large print readers.*

- 7. Load on HUD's website a page of information and links to assist employers with employment and logistical questions regarding persons with disabilities.**

*The letter to approximately 50,000 HUD partners will be mailed out in the first quarter in FY 2001. The letter will urge partners to reach out to adults with disabilities and employ them to the greatest extent possible. A list of appropriate disability/related websites, which can provide partners with specific employment related resources, is attached to the letter.*

*FHEO's website also contains a link to other disability sites at: [www.hud.gov/fheadapartners.html](http://www.hud.gov/fheadapartners.html).*

- 8. For facilities that house the majority of HUD employees, continue efforts in coordination with management, representatives of employee groups, and employees with disabilities to review the impact of all proposals affecting changes in facilities such as changes to office configurations, new office buildings, training space, etc.**

*This initiative is an ongoing activity.*

- 9. Review all Field Offices to ensure that TTY communication devices are available.**

*HUD's Office of Administration has reviewed TTYs located in Headquarters and in the field offices. At HUD headquarters, Fourteen TTYs are operational. In HUD field offices, twenty-five in TTYs are operational. Additional TTYs have been ordered, and every computer in Headquarters has an accessibility device which provides for Internet messaging capability.*

#### **Issue #16: Self-employment - HUD Contracting Opportunities**

The Federal Acquisition Regulation (FAR), which governs all Federal procurement actions, aims to further the employment of adults with disabilities through several means, such as the implementation of the Javits-Wagner O'Day (JWOD) Act and the requirement that each Federal agency include various equal employment opportunity and affirmative action clauses into contract awards. The JWOD created a program that requires Federal agencies to purchase certain supplies and services from designated

nonprofit organizations (“mandatory sources”) that benefit disabled persons. These purchases may be made directly from the nonprofit organizations or through the General Services Administration’s Federal Supply Schedule. Except for the JWOD purchasing requirements, the FAR does not permit agencies to reserve, direct, or give special preference to businesses based on the disability status of the business owner.

The FAR authorizes set-asides for small businesses and set-asides or evaluation preferences for small disadvantaged businesses that may incidentally benefit disabled persons. However, there is currently no data collection or reporting method to identify when such a firm receives an award. Data collection is primarily captured from FAR-required “representations” that firms submitting proposals must complete, which characterize the firm as small, small disadvantaged, etc. Currently, the certifications do not address disability status. Similarly, procurement data collection formats, which are required by the Federal Procurement Data Center (FPDC), contain no data field that clearly identifies a firm as owned by persons with disabilities. The only available data field for reporting is limited to JWOD awards (which also include Federal Prison Industries).

**Strategies:**

**1. Participate in and support activities of the Economic Initiatives and Entrepreneurship Committee of the Presidential Task Force.**

*HUD/FHEO facilitated transfer of funds to the Small Business Administration for a series of 10 workshops offered throughout the Nation in FY 2000 by the Economic Incentives and Entrepreneurship Committee. Workshop locations included: Little Rock, New Orleans, Phoenix, Las Vegas, Boston, Hartford, Sacramento, Portland (OR), Iowa City, and Chicago.*

**2. Work with the Presidential Task Force Committee to achieve an increased number of contract awards to the businesses owned and/or employing persons with disabilities and to identify means by which agencies can collect data and report on such awards.**

*The letter to approximately 50,000 HUD partners is tentatively scheduled to be mailed in October 2000. The letter will urge HUD’s partners to reach out to adults with disabilities and employ them to the greatest extent possible. A list of appropriate disability/related websites, which can provide partners with specific employment related resources, is attached to the letter.*

*The Javits-Wagner-O’Day (JWOD) Program requires HUD and all Federal agencies to buy certain business supplies and services from nonprofit agencies employing persons who are blind or severely*

*disabled. On March 29, 2000, the White House issued a statement of continued commitment to the Javits-Wagner-O'Day Program. Subsequently, HUD's Chief Procurement Officer (CPO) issued a statement to all HUD employees and posted this statement and the White House statement on the CPO's web page.*

**3. Include disability advocacy groups in HUD's invitations to participate in the annual Small Business Opportunity Fair.**

*FHEO provided a list of disability advocacy organizations to the Office of Small and Disadvantaged Business Utilization to invite to its Annual Business Opportunity Fair which took place on June 21, 2000 at HUD Headquarters.*

**4. Explore ways in which HUD can use the Empowerment Zones Enterprise communities Initiative and HUD's Section 3 Program to increase self-employment opportunities for persons with disabilities.**

*This strategy will be addressed in FY 2001.*

# APPENDIX 1

## Enforcement and Compliance Activities

Laws such as the Fair Housing Act are intended to end the unnecessary exclusion of persons with disabilities from the American mainstream and to provide them with the freedom to choose where they wish to live and be free of discrimination in housing. In combination with Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act of 1988, and the Americans with Disabilities Act of 1990 not only redress discrimination in housing and in community development programs, but may also be used to remove barriers and facilitate employment for persons with disabilities.

### The Civil Rights Laws

#### The Rehabilitation Act of 1973

**Section 501** - Section 501 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination against persons with disabilities in the Federal sector. This section also requires Federal agencies in the Executive Branch of government to develop and implement Affirmative Action (Employment) Programs for the hiring, placement, and advancement of individuals with disabilities. Section 501 incorporates the requirements of the Americans with Disabilities Act, in particular Title I - Employment, which requires employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment. Allegations of discrimination based on disability in connection with employment or applications for employment with a Federal agency can be pursued following the procedures established by the Equal Employment Opportunity Commission (EEOC) regulations (29 CFR Part 1614) or the Merit Systems Protection Board regulations (5 CFR Part 1200). HUD's internal regulations covering equal employment and affirmative employment are found at 24 CFR Part 7.

**Section 504** - Section 504 of the Rehabilitation Act of 1973, as amended and its implementing regulations at 24 CFR Parts 8 and 9 provides for nondiscrimination on the basis of disability.

Section 504 states that "... no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under..." any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

Each Federal agency has its own set of section 504 regulations that apply to its own programs. Section 504 regulations also cover agencies that provide Federal financial

assistance and those entities that receive this assistance. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with persons who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations.

24 CFR Part 8 provides for nondiscrimination against persons with disabilities in programs and activities that receive Federal financial assistance and also includes the employment activities of recipients of HUD funds.

1. The provisions of the 24 CFR Part 9 regulations are similar, as they were adapted from those contained in Part 8 above.
2. The regulations at 24 CFR Part Part 9 provide for nondiscrimination on the basis of disability in programs or activities conducted by the Department.
3. The Department has the same obligations as recipients of Federal financial assistance. Persons with disabilities who believe that HUD has discriminated against them in any of its programs may file a complaint with the Department. Complaints alleging violations with respect to employment will be investigated according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1614 under Section 501 of the Rehabilitation Act of 1973.
4. HUD-conducted programs and activities basically include every activity the Department carries out on a day-to-day basis for its programs and services, including employment. Part A protects employees of HUD from discrimination based on disability and covers HUD's contracting activities as well. Access to buildings where the Department offers its programs and activities are covered under this rule. This regulation also covers HUD's contact with the public, public information materials, public conferences, information technology systems, and all other HUD activities.

**Section 508** - Section 508 of the Rehabilitation Act of 1973, as amended, requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities. The Workforce Investment Act of 1998 revised Section 508 imposing strict requirements for any electronic and information technology developed, maintained, procured, or used by Federal agencies. Electronic and information

technology is broadly defined. It includes computers (such as hardware, software, and

accessible data such as web pages), facsimile machines, copiers, telephones, and other equipment used for transmitting, receiving, using, or storing information.

**Title II of the Americans with Disabilities Act of 1990** - Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by state and local governments and other public entities.

**The Fair Housing Act of 1988** - The Fair Housing Act protects individuals with disabilities from discrimination in the sale, rental, and financing of housing and establishes accessibility requirements for certain dwellings constructed for first occupancy after March 13, 1991. The Act protects persons with disabilities regardless of the receipt of Federal financial assistance. The Act provides that it is unlawful to refuse to make reasonable accommodations in rules, policies, practices, and services if the accommodations may be necessary for the person to be able to use and enjoy their dwelling. It is unlawful to refuse to permit a person with a disability to make reasonable modifications, at his or her own expense, in either a dwelling or the public and common use areas, if such modifications are necessary for them to be able to use and enjoy their dwelling.

**Architectural Barriers Act of 1968** - The Architectural Barriers Act (ABA) of 1968 requires that buildings be accessible to persons with disabilities if they were designed, built, or altered with certain Federal funds, or leased for occupancy by Federal agencies. The ABA does not cover privately owned residential facilities, nor does it cover military facilities designed for use only by military personnel.

### **Complaint Investigations**

HUD's Field Offices and state and local governmental agencies that have laws substantially equivalent to the Fair Housing Act investigate complaints alleging discrimination based on disability under the Act. Complaints alleging discrimination on the basis of disability filed against both private and Federally assisted housing providers now constitute the third highest number of complaints filed with the Department. HUD's policy is that, any time a Fair Housing Act complaint is filed against a recipient of HUD funds, that complaint also is filed under Section 504 of the Rehabilitation Act of 1973 as well as the ADA, if the ADA applies.

From March 12, 1989, to the close of FY 1999, 11,383 discrimination complaints alleging discrimination based on disability under Title VIII were filed with HUD. Of those complaints, HUD-FHEO successfully conciliated 4,399. A determination of reasonable cause was made in 261 HUD cases. HUD conciliations obtained housing relief in 1,631 cases, and \$8.8 million in monetary compensation was provided to complainants.

Sections 810(f) and 817 of the Fair Housing Act authorize referral of fair housing complaints to state and local agencies certified to provide substantially the same rights, procedures, remedies, and judicial review as are found in the Fair Housing Act and to reimburse those certified agencies for effectively processing complaints referred to them. Certified agencies received Federal and technical assistance through the Fair Housing Assistance Program (FHAP).

From FY 1991 to FY 1999, a total of 7,160 complaints that alleged housing discrimination based on disability were filed with FHAP agencies under the Fair Housing Act. Of those complaints, 276 resulted in cause-determinations. FHAP agencies conciliated 2,564 cases during the nine-year period. These FHAP conciliations obtained housing relief in 653 cases and \$4 million in monetary relief was provided to complainants.

# APPENDIX 2

## HUD as a Model Employer

The Department of Housing and Urban Development (HUD) is committed to becoming a model employer of persons with disabilities. In the Equal Employment Opportunity Commission's (EEOC's) latest report on the employment of individuals with disabilities in the Federal Government, HUD was rated **11** out of **48** Federal agencies.

HUD's January 18, 2000, policy statement to all employees states, "It is the policy of HUD to establish employment practices to promote active recruitment and proper placement of qualified adults with disabilities; to provide selective placement assistance to assure retention and career development opportunities; and to assure that persons with disabilities have a full opportunity to be represented at every level in the work force." It further states that it is HUD's policy to provide reasonable accommodation to the known physical and mental limitations of qualified employees and job applicants for employment, unless it can be shown that the accommodation would impose an undue hardship on its operations.

### Employment of Adults with Disabilities

With HUD's commitment to become a model employer, HUD has made considerable progress in the recruitment, advancement, development, and retention of persons with disabilities. As of June 30, 2000, employees with disabilities comprised 8.4 percent of HUD's total work force. Of the employees with disabilities (883), 16.5 percent have targeted or severe disabilities. While HUD remains in a limited recruitment and hiring posture, persons with disabilities comprised 7.8 percent of all new hires. Of the new hires with disabilities, 9.5 percent have targeted or severe disabilities. During Fiscal Year 2000, twenty-four (24) employees with disabilities left the Department (16 voluntarily and 8 with expired temporary appointments). This represents a slight decrease of 0.5 percent in their work force representation.

By grade or pay level, employees with disabilities comprise 9.3 percent of all positions at the mid and senior level. This represents a slight decrease of 0.9 percent over Fiscal Year 1999. When looking internally at the total work force of persons with disabilities, 77.2 percent (+0.6%) are employed at the mid and senior level. Of the employees at this level, employees with targeted disabilities comprised 13.2 percent. The analysis of the occupational categories revealed that employees with disabilities comprised 7.9 percent (-0.5%) of the positions in the Professional and Administrative categories. Of the employees with disabilities, 77.2 percent are in Professional and Administrative positions.

**Special Employment Programs/Initiatives  
(i.e., Welfare to Work, Summer Student Employment, Upward Mobility  
Program)**

For the FY 2000 Summer Student Employment Program, HUD staff recruited from the President's Committee on People with Disabilities Job Fair in April 2000, and HUD has successfully hired persons with disabilities from that effort.

The Department-wide Upward Mobility Program continues to be the most effective means of providing internal movement and career development for high potential employees who would otherwise not qualify for professional/administrative positions in job series where there is an under- representation of minorities, women, and persons with disabilities. The HUD Upward Mobility Program is inclusive of a statement of eligibility for those persons under Schedule A Authority 213.3102(u) for employment of persons with disabilities.

In general, all advertised position vacancies (not restricted to HUD employees only) include the non-competitive appointment eligibility statement to attract persons with disabilities for employment under such appointing authorities as the 30 percent Disabled Veterans, Veterans Readjustment Act (VRA), and Schedule A and B appointments for persons with disabilities.

All position vacancy announcements, including HUD's Special Examining and Direct Hire authorities, were distributed to Federal agencies and other organizations interested in the employment of persons with disabilities including disabled veterans.

The Department, in compliance with Executive Order 13163, dated July 26, 2000, has developed a Five Year Plan for the hiring of 600 persons with disabilities. The Department also continues to develop and implement its affirmative action plan covering the hiring, placement, and development of persons with disabilities as prescribed in the Equal Employment Opportunity Commission's Management Directive (MD) 713.

**Training**

**Issues**

Due to limits on recruitment and outside hiring during Fiscal Year 2000, retention and advancement of current employees will continue to be the Department's focus. During the first three quarters of Fiscal Year 2000, 14.8 percent of HUD employees with disabilities received promotions as compared to 12.5 percent in FY 98 (for FY 99, 20.2% received promotions). For employees with targeted disabilities, the percentages

are 6.8 percent year to date and 11.6 percent in FY 98 (for FY 99, 15.1% received promotions).

### **State Rehabilitation Agencies**

The Department also works with State rehabilitation agencies and other organizations for persons with disabilities to develop individual training programs for persons with special training needs. An example of this can be shown through recent coordination with the Virginia State Rehabilitation Agency to develop computer training for an employee with a learning disability who was affected during the recent Departmental restructuring.

### **Training Announcements**

Announcements for all training programs or courses conducted for HUD employees include a statement for persons with special needs. A point of contact is given in each training announcement to assist the training participant with his/her special request to attend training. The HUD Satellite Broadcast System provides closed caption for employees with hearing impairments.

### **Career Counseling and Professional Development Center**

The Departmental Career Counseling Center and Professional Development Center both operate on the concept of individualized assistance and learning. The Professional Development Center enables employees to select an array of job-related courses and self-enrichment courses to meet personal and organizational goals. This makes the Professional Development Center particularly adaptable for employees with special training needs. The Career Counseling Center supports persons with disabilities through individual career counseling/life planning and identifying appropriate opportunities for job enrichment and professional development.

## **Reasonable Accommodations**

### **Desk Guide**

HUD managers and supervisors are responsible for assuring that equal employment opportunity and affirmative employment for persons with disabilities are an integral part of all aspects of their personnel and management policies and practices. All HUD managers and supervisors are held accountable in their performance appraisals for meeting affirmative employment responsibilities. In order for managers and supervisors to become familiar with various avenues for employing and retaining persons with disabilities, a guide was developed in 1994 entitled "The Employment of Persons with Disabilities: A Guide for Managers and Supervisors." The guide includes background

information and general procedures for processing requests for reasonable accommodations. It is available to managers and supervisors in hard copy and on the HUD web. The guidebook is currently being updated.

### **Medical Review Officer**

Through the Department's Employee Assistance Program, managers and supervisors along with EEO, human resource, and administrative staff can access the services of a Medical Review Officer, who is a medical doctor trained in the clinical aspects of disabilities in the workplace and accommodation options. The purpose of this service is to assist the agency with interpretation of medical information and make recommendations on the "reasonableness" of accommodations. This results in managers and supervisors making an informed decision on accommodation requests and ultimately the employee receiving the most useful accommodation.

### **Sign Language Interpreters**

Sign Language Interpreters are available as needed by employees. One interpreter functions as the Principal Interpreter, with three additional interpreters available on request in Headquarters. Several full-time and part-time Interpreters are available in Field Office locations.

### **Information Technology**

A Disabled Accommodations Project Team in HUD's Office of Information Technology provides adaptive computer equipment and specialized training for HUD employees with disabilities. The Project Team was established in 1993 to develop standards for the adaptive computer equipment issued to persons with disabilities. The Disabled Accommodations project has divided the employees into four categories. These four categories include blind, low-vision, mobility, and hearing impaired. In addition, the Disabled Accommodations Project has developed standard workstations for each category and has developed specialized training for each of the categories of employees with disabilities for the standard desktop applications.

An internal website is available to HUD employees with disabilities to respond to special accommodation requests. The Office of Information Technology oversees and facilitates the fulfillment of requests from HUD employees for specialized hardware and software accommodations for their workstations. A "Disabled Accommodations Coordinator" has been designated as the point of contact to ensure the accommodation needs and interests of employees with disabilities are addressed and safeguarded. The Coordinator can be accessed by phone (voice) or TTY, facsimile machine, or e-mail.

HUD's external home page links to a page specifically for persons with disabilities and is designed to reach HUD customers and/or employees. This page is entitled "People with Disabilities."

### **HUD Storefronts and Kiosks**

In the last two years, as part of HUD's management reform and in an effort to improve customer service, the Department has created the "HUD Next Door" concept. The first of these new storefront offices, at 801 North Capitol Street, in Washington, DC, serves as a national model for every HUD office that will open across the nation over the next few years.

Today, most HUD offices are in high-rise buildings, somewhat isolated or cut off from the public. As HUD's network of offices across the country is transformed, each new office will be located close to urban neighborhoods and will be easier for people to visit. For example, in addition to a street-level location, the new HUD DC office features state-of-the-art technology to give people useful information about HUD and its local programs.

Designed with the help of M. Arthur Gensler & Associates, a nationally known architectural and design firm, the storefront brings together innovative space design, technology, and customer service in a way that breaks with staid Federal government traditions. High technology available to the public includes a "touch screen" kiosk outside of the HUD storefront, and dedicated computers inside. These computers, called HUD Answer Machines, help people learn how to buy a home, get a home improvement loan, apply for rental assistance, or even file a housing discrimination complaint.

As of July 14, 1999, 60 such kiosks were installed in 40 states and the District of Columbia. Kiosks are now available in Federal buildings, city halls, libraries, shopping centers, malls, grocery stores, and community centers. The next 30 kiosks will be installed over the next few months. By the end of the year, 90 kiosks will be in place across the country. The HUD Next Door kiosks were recently awarded a 1999 Pioneers in Electronic Government award by E-GOV.

The kiosks are available 24 hours a day, 7 days a week, and provide the following information about HUD services and programs:

- How to buy a home
- How to apply for rental assistance
- How to get a home improvement loan
- HUD's SuperNOFA and how to apply for a HUD grant or loan
- How to file a housing discrimination complaint

- Helping the homeless with the “continuum of care”
- Information for people with disabilities and other special needs
- How to get a refund of an FHA mortgage insurance premium
- How to get a HUD-insured reverse mortgage
- Business opportunities through HUD grants, loans, and contracts
- Information on GNMA mortgage-backed securities
- HUD’s “best practices” and examples of outstanding projects
- How to get help through a local Community Development Block Grant

The storefront space is constructed to meet all accessibility standards. More specifically, there are two HUD Answering Machines in each storefront. One machine is at countertop level and one machine is placed at a lower height specifically to accommodate wheelchair access. The kiosks were designed to accommodate standing or wheelchair access.

# APPENDIX 3

## Expanding Opportunities for Persons with Disabilities in Public Housing

### Accessibility in Federally Funded Public Housing and Non-Housing Programs for People with Disabilities: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988\*

#### I. STATUTORY/REGULATORY REQUIREMENTS

##### A. Needs Assessment/Transition Plan/Self Evaluation under Section 504 of the Rehabilitation Act of 1973 [24 CFR 8.24(d), 8.25(c)] and the Americans with Disabilities Act of 1990 [28 CFR 35.105-35.107, 35.150(c) and (d)]

Initially, with the issuance of Section 504 implementing regulations at 24 CFR 8 on June 2, 1988, Public Housing Agencies (PHAs) were required to conduct needs assessments and develop transition plans to address identified needs of residents and applicants with disabilities. These documents should still be available for review as baseline data and to confirm a housing authority's good faith efforts to comply with the regulation. The Department's Office of Fair Housing and Equal Opportunity will continue, as a matter of routine, to request copies of any self-evaluation/transition plans in every compliance review conducted of a HUD recipient. These documents may also be reviewed by other HUD Offices in conjunction with addressing non-compliance issues that may arise. Likewise, a PHA self-evaluation was required by the ADA and its implementing regulations, which were effective on January 26, 1992. If a PHA completed a Section 504/24 CFR 8.24(d) and 8.25(c) transition plan to address the ADA requirement, a PHA needed only to cover those barriers to accessibility that were not addressed by the Section 504 transition plan [see Notice PIH 95-48 (HA) - Americans with Disabilities Act and ADA 35.105(d)]. Both the Section 504 transition plan and the ADA self-evaluation will enhance PHA efforts to demonstrate compliance with the laws and regulations.

PHA plan regulations, pursuant to the Public Housing Reform Act of 1998 at 24 CFR 903.7 (a)(1)(ii), require the submission of a statement addressing the housing needs of low-income and very low-income families, including such families with

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\* The information contained in this appendix is taken from PIH Notice 99-52, "Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988," issued on December 15, 1999.

disabilities, who reside in the jurisdiction served by the PHA and families who are on the public housing and Section 8 tenant-based assistance waiting list.

Additionally, to assure continued compliance, PHAs are encouraged to conduct needs assessments and self-evaluations, at least yearly, working with people/residents with disabilities and local advocacy groups for people with disabilities. Transition plans should be updated as a result of such needs assessments and self-evaluations.

## **B. Major Provisions of Section 504 of the Rehabilitation Act of 1973/24 CFR 8**

1. New Construction [24 CFR 8.22 (a) and (b)]. A minimum of 5% or at least one unit (whichever is greater) is required for mobility impaired persons. A minimum of 2% or at least one unit (whichever is greater) is required for people with hearing or vision impairments.
2. Substantial Rehabilitation [24 CFR 8.23(a)]. If alterations are undertaken to a project that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, then the provisions of 24 CFR 8.22(a) and (b) for new construction apply.
3. Other Alterations [24 CFR 8.23(b)]. When other alterations are undertaken, including, but not limited to modernization, accessible units are required up to a point of where at least 5% of the units in a project are accessible, unless HUD prescribes a higher number or percentage pursuant to 24 CFR 8.23(b)(2). PHAs should also include up to 2% of the units for persons with hearing and vision impairments. See 24 CFR 8.23 (b)(1) for exceptions due to undue financial and administrative burden and 24 CFR 8.32(c) for exception regarding load-bearing structural members (note: these exceptions do not relieve the recipient from compliance utilizing other units/buildings or other methods).
4. Reasonable Accommodations [24 CFR 8.4(b)(i), 8.24 and 8.33]  
When a family member requires an accessible feature(s) or policy modification to accommodate a disability, PHAs must provide such feature(s) or policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden. If providing such feature(s) would result in a financial and administrative burden, the PHA is required to take any other action that would not so result in an undue burden. PHAs and other recipients of Federal financial assistance are required to make reasonable adjustments to their rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit, the common areas of a dwelling

or participate in or access other activities conducted/sponsored by the recipient. For example, a PHA that does not allow residents to have pets, must modify its policies and allow a tenant with a disability to have an assistive animal if the animal is needed as a reasonable accommodation. If the recipient provides transportation to functions or activities or if transportation is necessary for a disabled person to participate in such functions or activities, a recipient must ensure that accessible transportation is provided to accommodate persons with disabilities and their aides, including the reasonable accompaniment of relative(s) or acquaintance(s). PHAs and other recipients of Federal financial assistance are required to make and pay for structural modifications to dwelling units and common areas when needed as a reasonable accommodation for tenants or applicants with disabilities. For example, a PHA may be required to install a ramp to allow a tenant in a wheelchair access to a dwelling unit or transfer a family to an available accessible unit or one that can be modified without causing an undue financial and administrative burden or alteration in the nature of a program rather than modifying an existing unit. If providing a requested accommodation would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden, then the PHA need not provide that accommodation. However, the PHA is required to provide any other accommodation that would not result in an undue financial and administrative burden or fundamental alteration of the program. See 24 CFR 8.24 for a variety of compliance methods. (Note: Once a PHA has made its programs accessible in compliance with 24 CFR 8.23(b) and 8.25, there is no requirement to make structural changes to existing housing facilities where other methods are effective in achieving compliance).

5. Distribution of Accessible Dwelling Units (24 CFR 8.26).

Required accessible dwelling units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout projects and sites and shall be available in a sufficient range of sizes and amenities so that people with disabilities have choices of living arrangements comparable to that of other families eligible for assistance under the same program.

6. Occupancy of Accessible Dwelling Units (24 CFR 8.27). PHAs shall adopt suitable means to assure that information regarding the availability of accessible units reaches people with disabilities. PHAs shall also take reasonable nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit. To this end, when an accessible unit becomes vacant, before offering such units to a non-disabled applicant, the PHA shall: First, offer the unit to a current occupant who requires the accessibility features of the vacant unit (if the current occupant does not have such accessibility features in their current unit); Second,

offer the accessible unit to a qualified applicant on the waiting list who requires the accessibility features.

Note: A PHA may not prohibit an eligible disabled family from accepting a non-accessible unit for which the family is eligible that may become available before an accessible unit. The PHA is required to modify such a non-accessible unit, as needed, unless the modification would result in an undue financial and administrative burden. When offering an accessible unit to applicants without disabilities, the PHA may require such applicants to agree to move to a non-accessible unit when available or when the accessible unit is needed by a disabled family. Such an agreement may be incorporated into the lease.

7. PHA Requirements for the Section 8 Housing Choice Voucher Program (24 CFR 8.28). PHAs, in providing notice of the availability and nature of the program, must adopt suitable means to assure that the notice reaches eligible individuals with disabilities. In its activities to encourage owner participation, PHAs must include owners having accessible units. When issuing a voucher to a family which includes an individual with disabilities, PHAs must include a current list of available accessible units and assist the family in locating an available accessible dwelling unit, if necessary. PHAs must also provide extensions for vouchers when necessary due to special problems of locating accessible units. PHAs are required to offer higher rents, where needed, in accordance with regulatory provisions, to encourage the provision of accessible units by owners.

Note: Private owners participating in the Section 8 program (except those who receive Federal assistance through project-based certificates and the Moderate Rehabilitation Program) are not considered to be recipients of Federal funds and are, therefore, not directly covered under 24 CFR 8. However, PHAs operating tenant-based Section 8 programs must obtain assurances of nondiscrimination in their contracts with all private owners participating in the program [see 24 CFR 8.28 (b)]. In addition, such owners are covered under the Fair Housing Act and, in certain circumstances, Title III of the Americans with Disabilities Act. Housing providers, including private owners, who receive Federal assistance through project-based certificates/vouchers and the Moderate Rehabilitation Program are considered Federal recipients and are, therefore, covered under Section 504/24 CFR 8.

8. Non-housing Facilities (24 CFR 8.21). Newly constructed non-housing facilities shall be designed to be readily accessible to and usable by people with disabilities. Alterations to existing facilities shall be accessible to the maximum extent feasible - defined as not imposing an undue financial and administrative burden on the operations of the recipient's program or activity. For existing

non-housing facilities, PHAs shall operate each program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. There are a number of methods included in the regulation at 24 CFR 8.21(c)(2) which may be used to accomplish accessibility in existing non-housing programs and activities.

9. Accessibility Standards (24 CFR 8.32). The design, construction or alteration of buildings in conformance with the Uniform Federal Accessibility Standards (UFAS) are deemed to comply with accessibility requirements of 24 CFR 8.21, 8.22, 8.23 and 8.25 with respect to those buildings. This does not require building alterations to remove or alter a load-bearing or structural member; however, this does not alleviate the PHA's responsibility for making its programs and units accessible to people with disabilities.

### **C. Major Provisions of the Architectural Barriers Act (ABA) of 1968/24 CFR 40**

1. Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures (24 CFR 40.4). The Act establishes the Uniform Federal Accessibility Standards (UFAS) as the standard for the design, construction, or alteration of residential structures to ensure that people with disabilities have access to, and use of these structures. This applies to a residential structure constructed or altered by or on behalf of the United States (see 24 CFR 40.2).

#### UFAS Notes:

- The Architectural, Transportation Barriers Compliance Board (the Access Board) is responsible for the ABA and UFAS. Although, HUD is responsible for enforcement through 24 CFR 40 and 41.
- The exception for bathrooms found at section 4.22.3 of UFAS cannot be used for Dwelling Unit bathrooms.
- Figure 47(a) in UFAS does not permit the water closet to encroach on the clear (unobstructed per UFAS 3.5) floor space required to provide an unobstructed turning radius of 60" [see UFAS 4.34.2(2)].
- UFAS includes a definition of structural impracticability that does not require changes, if such changes would result in the removal or alteration of a load-bearing structural member and/or an increased cost of 50% or more of the value of the element of the building or facility (see UFAS 3.5). This does not alleviate the recipient's

responsibility for making its programs and units accessible to people with disabilities.

- 24 CFR 8.4(b)(1)(ii) prohibits recipients, including PHAs, from providing housing to qualified individuals with handicaps that is not equal to that afforded to others and (iii) prohibits recipients, including PHAs, from providing qualified individuals with handicaps housing that is not as effective in affording the individual an equal opportunity to obtain the same benefit, or to reach the same level of achievement as that provided to others. Therefore, in addition to the UFAS standard at 4.34(15)(c), all sleeping areas must be on an accessible route. The regulatory provisions cited above override the UFAS standard which permits the possibility of inaccessible sleeping spaces in otherwise accessible housing units.

#### **D. Major Provisions of the Americans with Disabilities Act of 1990/28 CFR 35 for Title II**

1. Applicability. The Act applies to public entities - State and local governments, which include PHAs - see 28 CFR 35.102.
2. Maintenance of Accessible Features. A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities (28 CFR 35.133).
3. Non-discrimination. A public entity shall operate each service, program or activity so that when viewed in its entirety, each service, program or activity is readily accessible to and usable by individuals with disabilities (28 CFR 35.150).
4. Design and Construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such a manner that the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992 [28 CFR 35.151(a)].
5. Alterations. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that effects or could effect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992 [28 CFR 35.151(b)].

6. Accessibility standards. Design, construction, or alteration of facilities in conformance with the UFAS or with the ADA Accessibility Guidelines (ADAAG) shall be deemed to comply with requirements of 28 CFR 35.151 except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply [28 CFR 35.151(c)].

(Note: 24 CFR 35 contains a number of other requirements that apply to public entities and should be reviewed in its entirety to assure compliance. Other areas covered include employment and communications).

#### **E. Major Provisions of the Fair Housing Act of 1988/24 CFR 100**

1. Reasonable Modification to Existing Premises (24 CFR 100.203) - This requirement applies to private owners participating in Section 8 programs. PHAs shall follow the more stringent requirements of 24 CFR 8.4, 8.24, 8.23(b)(1) and 8.33 which requires PHAs to pay the cost of modifications unless such modifications are determined to be an undue financial and administrative burden (in such cases, other alternatives for providing the accommodation must be implemented by PHAs).
  - a. It is unlawful for an owner to refuse to permit a person with a disability, at their own expense, to make reasonable modifications of existing premises occupied or about to be occupied by a person with a disability, if such modification may be necessary to afford the person with a disability full enjoyment of the premises. Under certain circumstances the owner may require the tenant to pay into an escrow account funds necessary to restore the premises to its original condition, if the modification would interfere with the owner or next tenant's full enjoyment of the premises (see regulation for further requirements and guidance).
2. Reasonable Accommodation (24 CFR 100.204) This requirement applies to private owners participating in Section 8 programs and PHAs, as well as all housing providers that are recipients of Federal financial assistance. PHAs are also covered under Section 504/24 CFR 8.4.
  - a. It is unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford people with disabilities equal opportunity to use and enjoy a dwelling unit, including public and common use areas (see regulation for further requirements and guidance).

3. Applicability. Covered multifamily dwelling units available for first occupancy on or after March 13, 1991 (applies to PHAs and private owners) are defined as:
  - a. dwellings in buildings with four or more units served by one or more elevators, and
  - b. ground floor units in other buildings with four or more units.
  
4. Accessibility requirements (24 CFR 100.205). This requirement applies to PHAs and private owners. Covered multifamily dwellings shall be designed and constructed so that:
  - a. At least one building entrance is on an accessible route unless impractical due to terrain [24 CFR 100.205(a)],
  - b. Public and common use areas are accessible [24 CFR 100.205(c)(1)],
  - c. All doors into and within all premises are wide enough for wheelchairs [24 CFR 100.205(c)(2)]
  - d. All premises within covered multifamily dwelling units contain the following features of adaptable design:
    - (i) An accessible route into and through the dwelling unit [24 CFR 100.205(c)(3)(i)]
    - (ii) Light switches, outlets, controls, etc. are in accessible locations [24 CFR 100.205(c)(3)(ii)]
    - (iii) Reinforcements in bathroom walls for grab bars [24 CFR 100.205(c)(3)(iii)]
    - (iv) Usable kitchens and bathrooms for people using wheelchairs [24 CFR 100.205(c)(3)(iv)]

On March 6, 1991, the Department published Fair Housing Accessibility Guidelines to give the building industry a safe harbor for compliance with the accessibility requirements of the Act. (See 56 Federal Register 9472-9515, March 6, 1991.) These Guidelines were supplemented by a notice, Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines, published in the Federal Register on June 28, 1994 (59 Federal Register 33362-33368, June 28, 1994). These Guidelines and the Supplemental Notice apply ONLY with respect to the accessibility requirements of the Fair Housing Act.

Note: In many cases properties constructed with Federal financial assistance must meet both the Section 504 new construction requirements applicable to PHAs at 24 CFR

8.22 as well as the Fair Housing Act design and construction requirements. For example:

- An elevator building constructed with Federal financial assistance would be required to have 5% of its units meet the Section 504 accessibility requirements at 24 CFR 8.22 and the remaining 95% of the units would be required to comply with the Fair Housing Act design and construction requirements at 24 CFR 100.205. Note: an additional 2% of the units are required to be accessible for people with vision and hearing impairments.
- A newly constructed two-story garden apartment development with no elevator constructed with Federal financial assistance with half its units on the ground floor and half on the second floor would be required to have 10% of its ground floor units built to comply with the Section 504 accessibility requirements at 24 CFR 8.22, and the remaining ground floor units (40%) built to comply with the Fair Housing Act design and construction requirements at 24 CFR 100.205. Note: an additional 2% of the units are required to be accessible for people with vision and hearing impairments.
- A development consisting entirely of multistory townhouses constructed with Federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements at 24 CFR 100.205, but would still have to meet the Section 504 5% + 2% accessibility requirements at 24 CFR 8.22. (A townhouse development of 4 or more single story units would still have to comply with the Fair Housing Act design and construction requirements).

## **F. Accessibility Requirements for Indian Housing**

1. Before the enactment of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), most housing for Indians was funded under assistance to Indian housing authorities pursuant to the U.S. Housing Act of 1937. This housing was subject to the requirements of Section 504 and implementing regulations in 24 CFR 8, as generally discussed in IB of this Notice. The development and modernization of low-rent housing was subject to the requirements in 24 CFR 8 for new construction, substantial rehabilitation, or other alterations. Indian housing under the Mutual Self-Help program was subject to the requirements for homeownership programs in 24 CFR 8.29. Under Section 502 of NAHASDA, the housing is no longer subject to the requirements of the U.S. Housing Act of 1937 or annual contributions contract, but shall be considered and maintained as affordable housing for purposes of NAHASDA.

2. Under NAHASDA, Indian Housing Block Grant (IHBG) funds are allocated by formula to Indian tribes who can choose to administer the program or to designate a tribally designated housing entity (TDHE) to do so. IHBG funds are Federal financial assistance and subject to the requirements of 24 CFR 8. IHBG funds may be used for a wide range of housing activities, including the construction or rehabilitation of rental or homeownership housing and tenant-based rental assistance. Eligible rehabilitation includes alterations to make housing accessible for persons with disabilities. Accordingly, the applicable sections of 24 CFR 8, Subpart C—Program Accessibility will depend on the type of activities funded by the IHBG recipient.
3. Title II of the Americans with Disabilities Act of 1990 (ADA) and implementing regulations at 28 CFR 35 do not apply to Indian tribes. However, TDHEs that are agencies or instrumentalities of a State, e.g., State-created Indian housing authorities, are covered by the ADA and implementing regulations. Section ID of this Notice summarizes the major requirements.
4. The Federal Fair Housing Act and implementing regulations at 24 CFR 100 do not apply to federally-recognized Indian tribes and their TDHEs. The Act and regulations apply to State-recognized Indian tribes and their TDHEs. See section IE of this Notice for a summary of the major requirements.

(Note: For further information or questions on Indian housing coverage, contact the nearest HUD Office of Native American Programs. Locations of these offices are available on HUD's internet site at [www.hud.gov](http://www.hud.gov).)

## **II. PROGRAM SPECIFIC COMPLIANCE/ACTIVITIES**

### **A. Modernization**

1. Planning. PHAs are required to include in their five-year Action Plan [24 CFR 968.315(e)(5)] and Annual Statement [(24 CFR 968.325(e)] the regulatory and statutory requirements for people with disabilities for all developments to be modernized. The five-year Action Plan and Annual Statement shall address the following and PHAs under 250 units shall ensure compliance with these requirements in conducting modernization activities as well as other applicable accessibility requirements:
  - (a). Substantial Alterations. The requirements for new construction at 24 CFR 8.22(a)(b) are applicable for all units that are substantially altered [see definition of substantial alteration at 24 CFR 8.23(a)].

- (b). Other Alterations. If alterations are not substantial, then PHAs are required to provide accessible units up to 5% of the units in the development or replace the elements being modernized with accessible elements in all units of the project [see 8.23(b)]. PHAs should provide up to 2% of the units for people with hearing or vision impairments.
  - (c). Reasonable Accommodations. PHAs should include in their projections of modernization needs, amounts to cover known and projected alterations to units and facilities to address reasonable accommodation requests on a case by case basis.
  - (d). Common Areas. All PHA common areas such as community buildings, playgrounds, child care centers, training centers and recreational areas being modernized must also be made accessible in compliance with Section 504/24 CFR 8.21 and the ADA/28 CFR 35.
2. Annual Plan Review. HUD Field offices, when reviewing PHA five-year Action Plans and Annual statements, are required to make sure accessibility requirements are included in action plans for statutory and regulatory compliance.
  3. Residents/Advocacy Consultation. PHAs should ensure that, at least yearly, residents with disabilities and advocates for people with disabilities have an opportunity to provide input on modernization plans and activities.

(Capital Fund Program Note: HUD intends to publish a final rule on all aspects of the new Capital Fund Program which is replacing the Comprehensive Grant Program (CGP) and the Comprehensive Improvement Assistance Program (CIAP) in early 2000. Until completion of such rulemaking, the regulations at 24 CFR 968 continue to apply to assistance made available through the CGP and the CIAP. The provisions of 24 CFR 968, with respect to a PHA's annual statement/action plan, are being replaced by the Public Housing Agency Plan rule at 24 CFR 903. The first plans are due by December 1, 1999 for PHAs with fiscal years beginning January 1, 2000.

Also note that modernization activities covered by statutory civil rights requirements such as Section 504, the ABA, the FHA and the ADA take precedent over non-emergency modernization activities.

## **B. HOPE VI**

1. HOPE VI Notice of Funding Availability (NOFA) Accessibility Requirements. The design of proposed new construction and/or rehabilitation of housing must conform to the civil rights statutes and regulations required in Section II(B) of the current SuperNOFA.

2. Accessible For-Sale Units. The HOPE VI NOFA encouraged PHAs to include 5% of for-sale units accessible for people with mobility impairments and 2% for people with hearing and vision impairments.
3. Visitability. The HOPE VI NOFA strongly encourages making as many units as possible visitable. Visitability standards adopted by HUD apply to units that are not otherwise covered by accessibility requirements. The elements of visitability are also described in Section VI(C) of the General Section of the SuperNOFA and in the HOPE VI Application Kit Glossary (also see IIF below).
4. Advocacy Consultation/Participation. The HOPE VI NOFA encourages PHAs to work with local advocacy groups for people with disabilities in developing HOPE VI plans. Disability advocates are to participate in a HUD video broadcast on HOPE VI Capital programs. Resident training will involve members of the Disability Rights Action Coalition for Housing (DRACH). Disability advocates played a major role in recent HOPE VI conferences. HOPE VI training for PHAs will involve DRACH members.
5. Relocation Units. HOPE VI and modernization funds can be used to modify Section 8 relocation units to make them accessible for residents with disabilities. The Department has determined that the costs of accessibility modification in rental units which are necessary for people with disabilities who receive Section 8 tenant-based relocation assistance in connection with a HOPE VI project are eligible HOPE VI expenditures. The method of implementation is to be determined by each individual locality.
6. Homeownership Design Booklet. PIH is producing a booklet on design issues relative to home ownership accessibility.
7. Allocation Plans. All allocation plan applications (for designated housing) are now on HUD's web site for public review. Special Application Center (SAC) staff received disability sensitivity training, relative to allocation plans. Continued training for SAC personnel is projected.
8. Single People with Disabilities. The HOPE VI NOFA encourages 1 bedroom units for single people with disabilities.
9. Accessible Townhouse Design. HOPE VI will continue to explore design alternatives to townhouse dwellings in addition to the designs already available and in use.

### **C. Admission/Occupancy**

1. Application Process. PHAs must make sure that all employees who are involved in the application process understand how to conduct tenant selection and screening without discriminating on the basis of any protected class, in particular applicants with disabilities. All application offices must be accessible. The PHA should provide accessible materials for sight and hearing impaired persons. A PHA must make special arrangements to take the application of persons who are unable to come to the PHA because of a disability. At the initial point of contact with each applicant, the PHA should inform all applicants of alternative forms of communication that can be used other than plain language paperwork. Some examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; providing large type materials; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings. If paid accessibility professionals are used, the PHA must pay for such services.
2. Live-in-Aides. In some cases, individuals with disabilities may require a live-in-aide. A PHA should consider a person a live-in-aide if the person (1) is determined by the PHA to be essential to the care and well being of a family member who is disabled; (2) is not obligated to support the family member; and (3) would not be living in the unit except to provide the supportive services. A live-in-aide should not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d)(3)].
3. Verification. The PHA may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicants who have requested a reasonable accommodation have a need for the requested accommodation. A PHA may not require applicants to provide access to confidential medical records in order to verify a disability nor may a PHA require specific details as to the disability. A PHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit. A PHA may not ask what the specific disability is.
4. Vacant Accessible Units. If an appropriate size accessible unit is not available, a PHA may want to slightly over house an applicant needing an accessible unit in a larger accessible unit in order to maximize the use of the accessible features. Also, UFAS adaptable units which can be easily converted into UFAS compliant units count as accessible units (see 24 CFR 8.3). Such adaptable units are helpful when there is no demand for accessible units since adaptable

units are more marketable to families without disabilities. The PHA should include a provision in the lease requiring a family without a disability to move from an adaptable or accessible unit if a family with a disability needing that size accessible unit applies and there is an appropriate unit available or one that will become available for relocation of the non-disabled family originally admitted. PHAs should maintain an adequate pool of eligible applicants needing accessible units so that when such a unit becomes available there is an eligible applicant ready and willing to rent the unit. This can best be accomplished by targeting outreach efforts towards people with disabilities, including publicity/advertising, contacts with advocacy groups representing people with disabilities and other entities that come in contact with people with disabilities such as social service agencies, medical providers, etc. Reminder - 24 CFR 8.27 requires that accessible units be offered first to current PHA occupants in need of the accessible features of the available accessible unit and secondly, to a qualified applicant needing the accessible unit on the PHA's waiting list.

5. Screening/Reasonable Accommodations. Many applicants with disabilities will pass screening, will not need a reasonable accommodation, will not need special features, and will be admitted in exactly the same manner as other applicants. Applicants who fail screening are sent a rejection letter. This letter must provide all applicants information concerning the PHA's informal review process and their right to request a hearing. The letter must also state that applicants with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. The PHA is obligated to provide such reasonable accommodation if it does not cause the PHA to make a fundamental alteration to the nature of its program. Housing providers must, if requested by the applicant, consider whether any mitigating circumstances could be verified to explain and overcome any problematic behavior related to a previous tenancy. If a reasonable accommodation will allow an applicant with a disability to meet the requirements, a housing provider must make the accommodation.

A reasonable accommodation allows the applicant with a disability to meet essential requirements of tenancy; it does not require reducing or waiving essential requirements. Examples of reasonable accommodations include, but are not limited to, physical alteration of units, making services and programs accessible, and revising policies and procedures. The focus should be on finding a reasonable accommodation that will permit the applicant to comply with the essential obligations of tenancy. A PHA is not required to excuse the applicant from meeting those requirements. All applicants should be provided information about how to request a reasonable accommodation at the time they apply for admission and at every re-certification. Each PHA must have a reasonable accommodation policy. The requirement to provide a reasonable accommodation is present at all times, including during lease enforcement.

6. Unit Size. In public housing, a family may need a unit that is larger than the occupancy standards allowed by the PHA because of a family member with a disability. It is unlawful to fail to provide a reasonable accommodation which denies such a family the opportunity to apply for and obtain a larger unit if the disability of the family member requires this type of accommodation.
7. Unit Location. In public housing, a family applying for a unit or requesting a transfer may need a first floor unit due to a disability.
8. Pets. Regular PHA pet policies do not apply to animals that are used to assist persons with disabilities and are necessary as a reasonable accommodation. However, all provisions of the lease apply, such as maintaining the premises in clean and sanitary condition and ensuring that neighbors enjoy their premises in a safe and peaceful manner.

#### **D. Crime Prevention in Public Housing**

1. Crime Prevention. Crime prevention through environmental design, training and technical assistance focuses on the design, redesign or renovation of problematic physical features to reduce opportunities for crime and reduce residents fear of crime. Special safety concerns of people with disabilities may be addressed through targeted technical assistance to PHAs by the Department. All activities under this and other Federally funded PIH programs must be conducted in compliance with the applicable statutory/regulatory requirements for accessibility and non-discrimination.
2. Drug Elimination Grants for Technical Assistance for PHAs. HUD provides short- term expert consultant services to assist a wide variety of anti-drug and anti-crime related activities. Special assistance can be provided to address the needs of people with disabilities residing in HA units. Also, all activities conducted under this and other Federally funded PIH programs must be conducted in compliance with the applicable statutory/regulatory requirements for accessibility and non-discrimination.
3. New Approach Anti-Drug Program. This program provides funding for owners and operators of government or nonprofit subsidized low-income multifamily housing to build partnerships at the neighborhood level to make developments and neighborhoods safer. This funding may be used to address crime/safety issues for people with disabilities. Also, all activities conducted under this program and other Federally funded PIH programs must comply with the applicable statutory/regulatory requirements for accessibility.

4. Youth Violence Prevention and Intervention Strategies for Public Housing. Workshops are conducted by experts in youth violence prevention and include a 500 page curriculum. All activities conducted under this and other Federally-funded PIH programs must comply with the applicable statutory/regulatory requirements for accessibility and non-discrimination.

**E. Tenant Opportunities Program (TOP), Economic Development and Supportive Services (EDSS), Service Coordinator, and Family Self-Sufficiency Programs**

[Note: The Resident Opportunities and Self-Sufficiency (ROSS) Program replaced the TOP, EDSS, and Public Housing Elderly and Disabled Service Coordinator Programs in FY 1999. However, one of the funding categories under ROSS deals with renewals of prior FY 1995 Public Housing Elderly and Disabled Service Coordinator grants.]

1. 504 Non-Compliance. Applicants for Federal funding that have received a letter of noncompliance due to findings under Section 504 and have not resolved the outstanding violations or entered into an agreement with the Department are not accepted for processing.
2. Applicants. Applicants for Federal funding are required to certify that they will comply with the requirements of Section 504 if they receive an award under the Notice of Fund Availability. In the application selection process, there is a threshold requirement that proposed grant activities will be administered or conducted in an accessible community facility. These community facilities must be accessible in accordance with the requirements of Section 504 and Title II of the Americans with Disabilities Act or the application will be determined ineligible.
3. The Family Self Sufficiency Program (FSS), administered by PHAs, provides PHA residents and Section 8 certificate/voucher holders opportunities for educational training, job training, counseling and other social services to help with employment or advancement. A PHA may assign tasks that measure interest and motivation for participant family members. In determining tasks, PHAs shall not inquire into the nature and severity of a person's disability nor shall it ask questions of people with disabilities that it does not ask all FSS participants. Also, PHAs cannot pre-suppose an individual's ability to perform a task based on a person's disability.

**F. Visitability**

1. Visitability Concept. Although not a requirement, it is recommended that all design, construction and alterations incorporate, whenever practical, the

concept of visitability **in addition** to the requirements under Section 504, the Architectural Barriers Act, Title II of the Americans with Disabilities Act and the Fair Housing Act.

Visitability is a design concept, for very little or no additional cost, that enhances the ability of people with disabilities to interact with their neighbors, friends and associates in the community.

2. Design Considerations. Visitability design incorporates the following in all construction or alterations, in addition to other requirements, whenever practical and possible for as many units as possible within a development:
  - a. Provide a 32” clear opening in all bathroom and interior doorways
  - b. Provide at least one accessible means of egress/ingress for each unit
3. Benefits of Visitability. Visitability also expands the availability of housing options for individuals who may not require full accessibility. It will assist PHAs in making reasonable accommodations and reduce, in some cases, the need for transfers when individuals become disabled in place. Visitability will also improve the marketability of units.

#### **G. Accessibility Funding Sources**

1. PHA modernization funds, PHA operating budgets, PHA operating reserves, PHA Development funds, State or local Community Development Block Grant Programs, Indian Housing Block Grant Program, State and local HOME Program funds, Corporate donations, non-profit contributions from organizations such as Rotary Clubs, Lions Clubs, sororities/fraternities, etc.

# APPENDIX 4

## Workforce Development Initiatives

Workforce development and job creation efforts are a part of HUD's welfare-to-work strategy and resources. These efforts benefit welfare recipients who reside in public and assisted housing as well as others who live in low-income communities in five ways:

- HUD's housing assistance helps families move from welfare to work.
- HUD builds skills by investing in workforce development.
- HUD helps communities grow jobs, ensuring the "work" in "welfare-to-work."
- HUD helps low-income people build assets as well as increase income.
- HUD builds and shares knowledge about welfare-to-work strategies through pathbreaking research and demonstrations.

In October 1999, HUD awarded \$280 million in Section 8 Welfare-to-Work Rental Vouchers to State and local housing agencies, Indian tribes, and tribally designated housing entities to help 50,000 families for whom housing assistance is critical to obtaining or retaining employment. These entities are administering the vouchers in cooperation with their local agency that administers the Temporary Assistance for Needy Families (TANF) program and their Department of Labor welfare-to-work grantee to assure that necessary services are provided. Additionally, the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276; also known as the Public Housing Reform Act) provides enhanced incentives for work through practices such as income disregards, ceiling rents, and flat rents. It also allows public housing authorities to create admissions preferences for families moving from welfare to work.

The incentives for families to participate in HUD's various welfare-to-work programs are:

- The potential for education and training
- The availability of case management and services
- The creation of job opportunities
- The presence of rent and income incentives
- The opportunity for the accumulation of assets
- The potential to become a homeowner

## **Employment and Training Supportive Services**

**Youthbuild** provides opportunities to economically disadvantaged young adults (ages 16-24) by providing education and employment training and skills to achieve self-sufficiency. The on-site training portion of the program teaches construction skills by hands-on construction or rehabilitation of low-income housing or housing for the homeless. When not on the construction site, participants are also provided with education, social services, counseling, and leadership training. In 2000 alone, the Youthbuild program is expected to serve between 5,000 and 6,000 youth. FY 2000 funding is \$43 million.

The **Family Self-Sufficiency (FSS) Program** was established by Section 554 of the National Affordable Housing Act of 1990. It is administrated locally by public housing agencies (PHAs). The purpose of the FSS Program is to promote the development of local strategies to coordinate the use of public housing and Section 8 tenant-based assistance with public and private resources. These coordinated efforts are intended to enable eligible families to achieve economic independence and self-sufficiency. Among the supportive services that may be provided are: child care, transportation, remedial education, household skills, training, homeownership counseling, substance/alcohol abuse treatment or counseling and job training.

Only current public housing residents and families receiving assistance through the Section 8 Rental Voucher Programs are eligible to participate in FSS. The statute limits the increase in rent payable by very low-income families due to increases in earned income. The excess is used to fund an escrow savings account which is available to the family after it no longer receives Federal or State welfare assistance. To operate a FSS Program, a PHA must develop an action plan that describes the policies and procedures for operating the FSS program, anticipates the supportive service needs of participating families and estimates the number of eligible families expected to participate in the program. The action plan must be approved by HUD.

In recent years, there have been major revisions in the FSS Program. Section 509 of the Public Housing Reform Act includes the following FSS program provisions: (1) New funding no longer carries an FSS obligation, (2) The current FSS obligation of PHAs will be reduced by one family for each family that successfully completes the program after October 21, 1998, and, (3) PHAs continue to have the ability to have FSS programs larger than the required size, including completely voluntary FSS programs.

While there are no HUD funds for services, funds are available from a PHA's operating subsidy for public housing program coordinators. PHAs that administer Section 8 FSS programs have been able to apply for Section 8 funding to pay the salary of a Section 8 FSS program coordinator. The FY 2000 Notice of Funding Availability (NOFA) for Section 8 FSS program coordinators announced that up to

\$29 million is available for PHA administrative fees for the program. Eligibility for these funds is restricted to those PHAs that received funding under one of the two FY 1999 NOFAs for Section 8 FSS Program Coordinators and continue to operate a Section 8 FSS program.

The **Resident Opportunities and Self-Sufficiency (ROSS) Program's** purpose is to link services to public housing residents by providing grants for supportive services, resident empowerment activities and activities to assist residents in becoming economically self-sufficient. Three funding categories exist under ROSS: (1) Technical Assistance/Training Support for Resident Organizations, (2) Resident Service Delivery Models (RSDM), and (3) Service Coordinator Renewals. Grants under the Technical Assistance/Training Support for Resident Organizations category provide for, among other things, development opportunities for resident-led businesses or cooperatives and necessary supportive services for self-sufficiency. Grants under the RSDM category are provided to PHAs or directly to resident groups for two purposes: to provide supportive services to establish programs to achieve resident self-sufficiency for families and to enable elderly and disabled residents to achieve independent living and aging in place. The Service Coordinator Renewal Category provides funding for renewals of grants to PHAs to pay for the salary, fringe benefits, and related administrative costs for employing a service coordinator to help elderly and disabled residents obtain supportive services that are needed to maintain independent living. FY 2000 funding for the ROSS Program is \$55 million.

**Step-Up** provides an apprenticeship-based framework and strategy for preparing public housing residents and other low-income persons primarily for employment in the construction trades and building maintenance occupations. Programs are typically comprised of partnerships between housing agencies, city governments, labor unions, employers, supportive service providers, and other public and private partners and involve six to sixteen weeks of pre-employment training and job readiness and then up to a year of cross-trades on-the-job skills development designed to enhance access to specific trade apprenticeships or other employment opportunities. Step-Up enables local agencies and contractors to comply with Section 3 and Federal labor standards requirements. There is no specific funding for Step-Up, however, agencies may use funds from existing programs such as HOPE VI or CDBG, as well as funds from non-HUD sources such as the Department of Labor's Workforce Investment Act and Welfare-to-Work Grants.

The **HOPE VI Program** awards competitive grants to PHAs for the comprehensive revitalization of severely distressed public housing developments. HOPE VI also provides demolition-only grants. Unlike traditional modernization programs, HOPE VI requires PHAs to focus on the economic and social needs of residents, as well as the physical conditions of the development. Up to 15 percent of a project's funds may be used for supportive services such as education, job training, employment, and day care

assistance, and these resources are to be directed primarily to families moving off of public assistance. PHAs are expected to partner with local TANF administering agencies to coordinate their efforts and leverage their funding and expertise to support mutual clients. In July 2000, HUD awarded HOPE VI revitalization grants to 18 housing authorities in the amount of \$513.8 million. Demolition grant applications were accepted on a first-come, first-served basis up to the deadline of June 14, 2000, and 26 demolition grants were awarded to 13 housing authorities in the amount of approximately \$50 million .

Under the FY 2000 HOPE VI NOFA, certain rating factors address workforce development and job creation for persons with disabilities. Under one rating factor, HUD evaluates and assigns points based on the applicant having an achievable plan for including minorities, women, and/or individuals with disabilities in the overall planning, development, and management team that will be involved in the HOPE VI revitalization effort. Also, under another rating factor, points are given to an applicant according to the quality of its proposed Community and Supportive Services plan and activities that are designed to help all residents, including those with disabilities, achieve self-sufficiency, upward mobility, and economic independence with sustainable “living wage” jobs. These activities may include literacy training; job readiness and retention programs; employment training programs that include job training, preparation, counseling, development, placement, and follow-up assistance; and economic development activities.

The **Public Housing 20/20 Education Communities (TEC) Program** is a unique concept using technology and education to transform public housing into communities where public housing residents are challenged to take an active role towards economic self-sufficiency. TEC Centers are uniquely located on-site where public housing families live. The primary purpose of these centers is to eliminate the Digital Divide between those with access to new technology and those without such access. TEC centers evolved from HUD’s Campus of Learners (COL) initiative that designated 25 sites to form community-wide partnerships matching resources, services, and programs to resident needs. TEC centers receive no direct grants but have successfully established networks of community partners that help to support its computer training, education, employment, supportive services, health and nutrition, and other family-oriented programs. TEC centers’ partners represent a cross-section of the community, i.e., government agencies, educational institutions, private industry, neighborhood associations, and other service provider organizations. These centers are reshaping traditional service delivery and offering training to public housing residents in the latest computer-based technology ranging from keyboarding and word processing skills to graphic design and web-site development.

**Neighborhood Networks** is a community-based approach that encourages the development of computer learning centers. Neighborhood Network centers work to

build self-reliant communities that meet the needs of lower income individuals and families, persons with disabilities, and the elderly where they live. The goal is to increase employment opportunities and access to health and wellness, improve educational performance of children, empower residents, increase participation by property owners, and decrease dependency on federal funding.

Neighborhood Networks computer learning centers give residents access to the job skills training, formal education, and community services needed for employment. Center programs may include computer training, Internet access, job readiness support, micro-enterprise development, GED certification, health care and social services, adult education classes, and youth services. Typically, a Neighborhood Networks center is a room or series of rooms filled with computers and related peripheral equipment.

People have used Neighborhood Networks centers to obtain clerical, health care, retail, insurance, and manufacturing positions, among others. Some centers have launched small businesses run by residents of HUD housing.

While no specific funds are provided for Neighborhood Network in assisted housing, owners may use funds from a project's residual receipts account to pay for learning center development. Owners may also borrow funds from the replacement reserve account. Local partners support the program through donations such as used computers, educational and technical software, job training, business development, volunteers, capital funding, and linkages with schools and community colleges.

There are more than 800 Centers in operation in all 50 states, the District of Columbia and Puerto Rico; 94 of these centers are in projects (other than Section 811) where the majority of residents have disabilities. An additional 15 are either operating or plan to be operating in Section 811 projects for persons with disabilities. In addition, computer learning centers in other parts of HUD are in various stages of planning and operation.

The **Community Outreach Partnership Center** program provides three-year, \$400,000 grants to universities and colleges working jointly with community groups and local government on a wide variety of urban issues. Nearly 100 campus/community partnerships have been funded since the program began in 1994, with 15 added each year. Many of the projects provide for outreach of campus technical resources to enhance job training, education, and access to human services and are linked to local efforts to support residents' transition from welfare to work. FY 2000 funding is \$8 million.

The **Public Housing Capital Fund** was created by Section 519 of the Public Housing Reform Act. Through this formula-based fund, HUD makes assistance available to Public Housing Agencies (PHAs) to carry out capital and management improvement activities in public housing developments. Eligible activities include capital expenditures

to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation. HUD's Office of Public and Indian Housing (PIH) will issue a proposed rule on the Public Housing Capital Fund Program in early Fall, 2000. The rule, when finalized, will complement the final rule for the Capital Fund formula allocation funding system, published on March 16, 2000 (65 FR14422). While the amount of funding a PHA receives is determined by formula, a PHA qualifies to receive its capital fund assistance each Federal Fiscal Year on the basis of submitting a PHA Plan. For FY 2000, \$2.9 billion was appropriated for the Capital Fund.

## **Job Creation**

**Community Development Block Grants (CDBG)** provide flexible funding to cities and counties for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for low- and moderate-income persons. In addition to generating construction jobs through projects such as housing rehabilitation and public facility construction, CDBG funds can be used to provide permanent jobs through economic development projects. CDBG funds are also used to provide job training and supportive services that help low-income persons seek and retain employment. Up to 15 percent of each community's CDBG allocation may be used for services, and much of that can be spent on job training and related areas. CDBG funding is allocated primarily through entitlement communities (metropolitan cities and urban counties) and through state and small city programs. Entitlement communities conduct their own programs, while states allocate funds to non-entitlement communities at the state and small city level. FY 2000 funding is \$4.8 billion.

**Section 3 - Jobs for Residents:** The regulations governing Section 3, at 24 CFR Part 135, provide that persons who believe that the recipient agency and/or its contractors have not made a good faith effort to meet the Section 3 mandate may file a complaint with the Department. After providing the recipient agency an opportunity to address the allegations and settle the matter, HUD may conduct a further review and, where appropriate, take steps to resolve the complaint.

If the recipient is found to be in non-compliance, and informal resolution fails, the Assistant Secretary of Fair Housing and Equal Opportunity may impose sanctions on the recipient, such as debarment, suspension and limited denial of participation in HUD programs,

Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992, requires that, to the maximum extent feasible, recipients of HUD funds and their contractors and subcontractors provide jobs and other economic opportunities to low- and very low-income persons. This law applies to assisted housing development

programs and community development programs. The intent is to provide training, job, and entrepreneurial opportunities to public housing residents and lower income residents of assisted neighborhoods. This law targets jobs generated by housing and community development projects such as street improvements and construction of commercial or industrial facilities. Examples of jobs requiring physical skills include, but are not limited to, appliance repair, janitor, landscaping, bricklaying, carpentry, cement/masonry, demolition, drywall, and electrical work. Examples of service and administrative/management positions requiring other specialized skills include accounting, purchasing, and word processing.

The 1994 interim regulations set specific goals for recipients and contractors. The regulations also identify priority target groups for new hiring, stipulating the order in which employment, training, and contracting opportunities should be provided to beneficiaries.

Responding to these changes, innovative housing authorities are using their construction programs [including the Comprehensive Grant Program (now called the Public Housing Capital Fund Program) and HOPE VI funding] to reinforce Section 3 goals. Language in their bid documents specifies hiring goals as well as any reporting or other requirements contractors must meet. In addition to enforceable bid document language, a successful Section 3 initiative also requires that mechanisms be in place to ensure that a workforce of eligible Section 3 candidates is available as training, employment, and contracting opportunities arise.

### **Demonstrations**

**Jobs Plus** is a seven-site demonstration that combines a place-based service saturation model with job-focused community organizing and work incentives in rental policy. The aim is to assist every able-bodied working age resident in seven public housing developments to move to work. With our partners (the Departments of Labor and Health and Human Services, seven local housing authorities, the Rockefeller Foundation and other funding sources, and the Manpower Demonstration Research Corporation), we are monitoring, analyzing, and communicating the outcomes of this demonstration.

**Bridges to Work** is a five-site, four-year demonstration to connect inner-city residents with suburban employment opportunities by providing job placement, transportation, and support services including childcare and counseling. Each participating community has formed a regional collaborative consisting of neighborhood groups, private employers, nonprofit service providers, regional transportation providers, metropolitan planning organizations, and local and state governments to provide the resources necessary to help job-ready inner-city residents succeed in becoming self-sufficient by finding and keeping suburban employment.

**Moving-to-Work (MTW)** gives 20 public housing authorities the flexibility to provide housing assistance that, among other things, provides incentives to resident heads of households to obtain employment and become economically self-sufficient. The PHAs selected for MTW have considerable freedom in determining how to use Federal funds to most effectively provide housing and related assistance to low-income families. They are permitted to create a single pool of resources by combining funding for operating subsidies, capital activities, and Section 8 tenant-based vouchers. The PHA may use the funding to provide housing assistance for low-income families and services, such as employment training, to facilitate the transition to work. PHAs can also use the flexibility provided by this program to establish rent policies designed to encourage employment and self-sufficiency on the part of participating families.

**Moving to Opportunity for Fair Housing** is a 10-year research demonstration that combines tenant-based rental assistance with housing counseling to help very low-income families move from poverty-stricken urban areas to low-poverty neighborhoods. Moving to Opportunity tests the impact of housing counseling and other assistance on the housing choices of Section 8 households, as well as the long-term effects of access to low-poverty neighborhoods on the housing, employment, and educational achievements of the assisted households. The goal is to develop more effective mobility strategies for recipients of tenant-based housing assistance in metropolitan areas throughout the nation.

*For more information, contact a Community Builder in your local HUD office or see HUD's Welfare Reform web page at <http://www.hud.gov/wlfrfrm.html>.*

# APPENDIX 5

## Programs Targeted to Persons with Disabilities

### Section 811 Supportive Housing for Persons with Disabilities

This program is the Department's primary program for the development of additional housing for very low-income persons with disabilities who are at least 18 years of age. The program has been in existence since its authorization in the National Affordable Housing Act of 1990 and is responsible for the creation of more than 18,000 housing units for people with disabilities.

Nonprofit organizations (sponsors) compete on an annual basis for capital advances to construct, rehabilitate, or acquire housing and project rental assistance funds to operate the housing. The housing may be in the form of small group homes, independent living projects (small apartment buildings), or condominium units. Apartment units may consist of efficiency, one, two, and three, or more bedroom units.

The statute defines a person with a disability as having "a physical, mental or emotional impairment which is (A) expected to be of long-continued and indefinite duration, (B) substantially impedes his or her ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if such person has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act."

The Section 811 program promotes the employment of people with disabilities in several ways. During the selection process, sponsors receive five points if their Board of Directors includes 51 percent persons with disabilities. In addition, the site for the 811 housing is evaluated on the basis of its proximity or accessibility to places of employment as well as other criteria. The sponsor is required to develop a Supportive Services Plan which makes available a variety of supportive services to the residents often including job training skills, transportation to places of employment, and the actual facilitation of vocational opportunities for the residents. In some cases, residents have become resident managers of the housing in which they live. In the Fiscal Year 2000 competition, sponsors were required, for the first time, to describe how they will provide the residents of the proposed project with opportunities for employment. And, finally, if a Section 811 resident obtains employment which eventually puts the person over the income limits for occupancy, the person can remain in the unit and pay 30 percent of adjusted income for rent.

## **Section 202 Supportive Housing for the Elderly**

This program is similar to the Section 811 program except for the fact that the eligible occupants must be at least 62 years of age. The financing provided through the program (capital advances and project rental assistance funds) is the same but the housing developed may consist of only efficiency and one-bedroom apartment units. Many elderly residents also have disabilities. Although this program typically serves an older, retired, and sometimes frail population, many of the younger elderly residents (including those with disabilities) are able to work and have the desire to work, whether it be paid employment or volunteer work. In the Section 202 program, as in 811, the site is evaluated in terms of its proximity or accessibility to places of employment.

Prior to the National Affordable Housing Act of 1990 which created a separate program for people with disabilities (Section 811), nonelderly persons with disabilities and the elderly were served under the Section 202 Direct Loan Program. From 1976 through 1990, the Section 202 Direct Loan Program provided the financing for the development of more than 31,000 housing units for nonelderly persons with disabilities.

### **The Housing Opportunities for Persons with AIDS (HOPWA)**

The Housing Opportunities for Persons with AIDS (HOPWA) program provides housing assistance and related supportive services for low-income persons with HIV/AIDS and their families. HOPWA has helped thousands of Americans who face severe challenges in meeting personal, medical, and housing costs during their illness with assistance that helps them avoid homelessness by addressing housing needs with access to medical and other care. In 2000, \$232 million was appropriated for this program to target resources to clients with the disability of HIV/AIDS.

Program grants are provided: (1) by formula allocations to states and metropolitan areas with the largest number of cases and incidence of AIDS; and (2) by competitive selection of projects proposed by state and local governments and nonprofit organizations. Grantees are encouraged to develop community-wide comprehensive strategies and to form partnerships with area nonprofit organizations to provide housing assistance and related services for eligible persons.

All HOPWA formula grants are available as part of the area's Consolidated Plan which is developed through a public process that assesses area needs, creates a multiple-year strategy, and proposes an action plan for use of Federal funds and other community resources in a coordinated and comprehensive manner. Ninety percent of the appropriation is allocated by formula to eligible communities. In FY 2000, a total of \$207.2 million was allocated by formula to the qualifying cities for 67 eligible metropolitan statistical areas (EMSAs) and to 34 eligible states for areas outside of EMSAs. Eligible formula areas have at least 1,500 cumulative cases of AIDS, as of

March 31, 2000, and metropolitan areas have a population of at least 500,000 and a HUD-approved Consolidated Plan. One-quarter of the formula is awarded for metropolitan areas that have a higher than average per capita incidence of AIDS. HUD uses statistics from the Centers for Disease Control and Prevention in allocating formula funds.

Ten percent of HOPWA funds are awarded by competition. For 2000, HUD published the Super NOFA for HUD's Housing, Community Development and Empowerment Programs in the Federal Register on February 24, 2000 (65 FR 9321) and made available approximately \$2.424 billion. The HOPWA section provides approximately \$23.026 million for projects and up to \$1.74 million for technical assistance grants. Applications are under review by HUD.

In FY 99, \$22.5 million was made available by competition and HUD selected 22 projects that were the highest rated under the selection criteria. The 22 projects indicated that an estimated 3,295 persons will receive some form of housing assistance and 1,787 persons will receive supportive services, that enable families and persons to remain in their homes or access other housing programs. The 22 recipients committed over \$50 million in other funds and volunteer contributions as leveraging that expands the Federal funds by 223 percent. A description of each project is found on the HOPWA homepage at: <http://www.hud.gov/cpd/hopwahon.html>. The 22 projects selected include:

- Twenty grants for Special Projects of National Significance (SPNS) which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of eligible persons.
- Three grants for Projects which are part of Long-term Comprehensive Strategies for providing housing and services for eligible persons in areas of the nation that did not qualify for HOPWA formula allocations.

In addition to the HOPWA competitive awards, HUD awarded \$2 million in technical assistance funding to two national consortiums that will support HOPWA program operations throughout the country.

HOPWA funds have provided housing assistance to thousands of low-income persons who are living with HIV/AIDS and their families. The program has helped many communities establish strategic AIDS housing plans, better coordinate local and private efforts, fill gaps in local systems of care, and create new housing resources. HOPWA funds may be used for a wide-array of housing, rental assistance, supportive services, and program planning and development costs. Eligible activities include, but are not limited to: the acquisition, rehabilitation, or new construction of community residences and SRO units; costs for the operation and maintenance of facilities and community residences; rental assistance; and short-term payments to prevent homelessness.

For their 1999 operating years, HOPWA formula grantees reported that about 41,500 persons with HIV/AIDS have received some form of housing assistance, including monthly rental assistance payments, short-term payments that prevented homelessness, and residency in community residences or other facilities. HUD records show that traditionally 91 percent of these beneficiaries have family incomes of less than \$1,000 per month and all families are low-income (less than 80 percent of area median income). HOPWA may also be used to fund services offered in connection with housing assistance, such as health care and mental health services, drug and alcohol abuse treatment and counseling, intensive care when required, nutritional services, case management, assistance with daily living, housing information, and placement assistance and other services. Eligible activities are also subject to standards and limitations.

For FY 2001, HUD, pending Congressional approval, expects an allocation of \$250 million. If approved, this allocation will provide over a 1 percent increase to the FY 2000 allocation. It is projected that 44,500 units of housing will be supported through FY 2001 funding.

The program is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901) as amended by the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992). Funds were appropriated in FY 1992 and for subsequent years. The Department's appropriation for FY 2000 provides \$232 million for HOPWA. The program is governed by the HOPWA Final Rule, 24 CFR Part 574, as amended, and the Consolidated Submissions for Community Planning and Development Programs, Final Rule, 24 CFR Part 91, as amended.

### **Supportive Housing Program (SHP)**

The SHP is a competitive grant program that helps a range of grantees develop housing and related supportive services for people moving from homelessness to independent living. The program is part of the Continuum of Care (COC), HUD's overall approach to breaking the cycle of homelessness. The Continuum of Care model features a coordinated community-based process of identifying needs and building a system to address them. The SHP funds transitional housing, permanent housing for homeless people with disabilities, supportive services for homeless people in supportive housing, and other types of innovative supportive housing for homeless people. Supportive services include employment assistance, child care, outpatient health services, case management, help in getting permanent housing, nutritional counseling, and security arrangements. Congress allocates funding for Supportive Housing Programs through a Homeless Assistance Grant category. Eligible applicants include states, local governments, public housing agencies, tribes, private non-profits, and non-profit community mental health associations.

### **Results of HUD's Continuum of Care Approach**

- Approximately 40% of all adults served by HUD's COC programs have disabilities.
- In 1999, \$151 million was awarded to Shelter Plus Care projects which only serve persons with disabilities and their families.
- 50% of all funds (\$759 million) awarded to projects was for supportive services, such as life skills, education and employment assistance.
- SHP funds will assist an estimated 189,000 participants with disabilities, as well as their children.
- Over 48% of all SHP projects awarded funding in 1999 will assist persons with severe mental illness and over 64% will assist persons with substance abuse problems.

HUD requires communities to address the needs of persons with disabilities in the application process and gives communities maximum flexibility to address particular needs of their locale. As the results above indicate, communities have used this flexibility to address the needs of persons with disabilities.

# APPENDIX 6

## Programs of the Office of Housing and Federal Housing Administration

### Mortgage Insurance Programs

The Federal Housing Administration (FHA) of HUD insures loans made by private lending institutions to finance the purchase, construction, rehabilitation, or refinancing of single family or multifamily properties. Generally, FHA insurance, by protecting the lender against loss from default on the loan, enables otherwise difficult-to-serve populations, such as first time homebuyers, lower income families, residents of disadvantaged neighborhoods where mortgages may be hard to get, and individuals or families who are credit risks, to obtain affordable housing. Although these programs do not target people with disabilities, they are included in the aforementioned categories because they are often underserved and are a population with the worst case housing needs. A person's disability is not the criterion for eligibility for any of the mortgage insurance programs.

Generally, mortgage insurance is provided to HUD-approved lenders who apply for the insurance directly to the HUD field office. A person with a disability applies directly at a project that has been insured by HUD or, for single-family mortgage insurance, an application is made to a HUD-approved lender who, in turn, applies to HUD for mortgage insurance. An application can be submitted at any time since there is no competition for the insurance.

**Mortgage Insurance for Manufactured Home Parks** - Insures mortgages to finance the construction or rehabilitation of manufactured home parks.

**Property Disposition Set-aside Program** - Provides Section 8 assistance in connection with the sale of HUD-owned multifamily rental housing projects.

**Section 207 Rental Housing Insurance** - The primary insurance vehicle for the Section 223(f) program.

**Section 221(d)(3) and Section 221(d)(4) Mortgage Insurance for Rental and Cooperative Housing** - Both programs assist private industry in the construction or rehabilitation of rental and cooperative housing for low- to moderate-income and displaced families by making capital more readily available and by reducing the risk of default for lenders. Nonprofit and cooperative sponsors use 221(d)(3) and for-profit sponsors use 221(d)(4).

**Section 220 Mortgage Insurance for Rental Housing in Urban Areas** - Insures multifamily housing projects in urban areas where local governments have undertaken concentrated revitalization activities.

**Section 241(a) Supplemental Loans for Multifamily Projects** - Insures loans to finance repairs, additions, and improvements to multifamily rental housing and health care facilities.

**Section 223(f) Mortgage Insurance for Purchase or Refinancing of Existing Multifamily Rental Housing** - Provides mortgage insurance for the purchase or refinancing of existing rental housing. It permits the restructuring of mortgages at lower interest rates to preserve an adequate supply of affordable rental housing and health care facilities.

**Section 201 Flexible Subsidy Program** - Provides loans to owners of troubled federally assisted low-and moderate-income multifamily rental projects.

**Section 223(d) Two-Year Operating Loss Loans** - Insures separate loans that cover operating losses during the first two years after completion (or any other two-year period within the first 10 years after completion) of multifamily rental projects whose first mortgage is insured by HUD.

**Section 542(b) Risk-Sharing Pilot Program for Qualified Participating Entities** - Provides insurance or reinsurance for multifamily housing projects whose loans are originated, underwritten, serviced, and disposed of by a qualified participating entity and/or its approved lenders.

**Section 542(c) Risk-Sharing Program for Housing Finance Agencies** - Provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, serviced, and disposed of by qualified state and local housing finance agencies.

**Section 231 Rental Housing for the Elderly** - Insures mortgage loans for construction or rehabilitation of rental housing for elderly persons.

**Section 232 Mortgage Insurance for Nursing Homes, Assisted Living Facilities, Board and Care Facilities and Intermediate Care Facilities** - Provides mortgage insurance for the construction and rehabilitation of these residential care facilities for people who need long-term care or medical attention but do not need to be in a hospital.

**Manufactured Home Loan Insurance (Title I)** - Insures mortgage loans made by private lenders to finance the purchase of a new or used manufactured home.

**Manufactured Home Lot and Combination Loan Insurance** - Insures mortgage loans made by private lenders to buyers of manufactured homes and the lots on which to place them; allows buyers to finance the purchase at a lower cost.

**Section 203(b) Mortgage Insurance for One-to-Four Family Homes** - Insures mortgages made by qualified lenders to people purchasing or refinancing a home of their own; lowers some of the costs of the mortgage loans for low and moderate income families.

**Section 251 Insurance for Adjustable Rate Mortgages** - Insures home purchase or refinancing loans with interest rates that may increase or decrease over time, enabling consumers to purchase or refinance their home at a lower initial interest rate.

**Section 203(h) Mortgage Insurance for Disaster Victims** - Insures mortgages made by private lenders to victims of a major disaster who have lost their homes making it easier for them to get mortgage loans and become homeowners or reestablish themselves as homeowners.

**Section 203(i) Mortgage Insurance for Homes in Outlying Areas** - Insures mortgages made by qualified lenders to individuals purchasing homes in outlying areas where lack of a normal market could make resale in case of default difficult.

**Section 221(d)(2) Mortgage Insurance for Low- and Moderate-Income Buyers** - Insures mortgages made by qualified lenders to finance the purchase, construction, or rehabilitation of low-cost, one-to four-family housing.

**Section 237 Single-Family Mortgage Insurance for Special Credit Risks** - Insures mortgage loans made by private lenders to low- and moderate-income families that are marginal credit risks.

**Section 245 Graduated Payment Mortgage Insurance** - Enables a household with a limited income that is expected to rise to buy a home sooner by making mortgage payments that start small and gradually increase over time.

**Section 245 (a) Growing Equity Mortgage Insurance** - Similar to the Section 245 Graduated Payment Mortgage Insurance program but the increased payments are applied to reduce the principal owed on the mortgage and thus shorten the mortgage term.

**Section 222 Mortgage Insurance for Members of the Armed Services** - Enables members of the Coast Guard and National Oceanic and Atmospheric Administration on active duty to purchase a home that is partially subsidized by the respective service by

allowing the Department of Transportation and the Department of Commerce to pay the FHA insurance premium on behalf of service members on active duty.

**Section 223(e) Mortgage Insurance for Older, Declining Areas** - Provides mortgage insurance as a supplement to other mortgage insurance programs to enable people to purchase or rehabilitate housing in older, declining areas.

**Officer Next Door Program** - Offers homeownership opportunities to law enforcement officers by allowing them to purchase HUD homes at deep discounts and thereby promote safety in neighborhoods.

**Section 203(k) Rehabilitation Mortgage Insurance** - Enables homebuyers and homeowners to finance the purchase (or refinancing) of a house and the cost of its rehabilitation through a single mortgage, or to finance the rehabilitation of their existing home.

**Title I Home Improvement Loan Insurance** - Insures lenders against most losses on home improvement loans.

**Energy Efficient Mortgages Program** - Helps homebuyers and homeowners save money on utility bills by enabling them to finance the cost of adding energy-efficiency features to new or existing housing as part of their FHA-insured home purchase or refinancing mortgage.

**Single-Family Cooperative Mortgage Insurance (203(n))** - Insures loans for persons buying a unit in a cooperative housing project.

**Section 234(c) Mortgage Insurance for Condominium Units** - Insures the loan made by a qualified lender for a person who purchases a unit in a condominium.

**Section 234(d) Mortgage Insurance for Construction or Substantial Rehabilitation of Condominium Projects** - Insures mortgage loans made by qualified lenders to finance the construction or rehabilitation of condominium projects.

**Home Equity Conversion Mortgage Program** - Enables elderly homeowners to withdraw some of the equity in their home in the form of monthly payments for life or a fixed term, or in a lump sum, or through a line of credit.

**Housing Counseling Assistance Program** - Provides counseling through HUD-approved housing counseling agencies to consumers on seeking, financing, maintaining, renting, or owning a home.

**Regulation of Government-Sponsored Enterprises** - HUD regulates the secondary mortgage market as carried out by Fannie Mae and Freddie Mac which help make housing more affordable by making home mortgage money more available.

**Section 242 Mortgage Insurance for Hospitals** - Insures mortgage loans for the construction, refinancing, modernization, remodeling, or expansion of hospitals, including equipment.

**Mortgage Insurance for Group Practice Facilities (Title XI)** - Insures mortgage loans that cover the construction or rehabilitation of facilities for group medical practices.

### **Non-Insured Programs**

The Office of Housing administers the following programs where, with the exception of the Neighborhood Networks Initiative, funds are provided to eligible organizations.

**Section 202 Supportive Housing for the Elderly** - Provides capital advances to private, nonprofit organizations to finance the construction or rehabilitation of structures that will serve as supportive housing for very low income persons who are at least 62 years old. It also provides project rental assistance funds to cover the difference between the HUD-approved operating costs of the project and the tenants' contribution toward rent.

**Section 811 Supportive Housing for Persons with Disabilities** - Provides capital advances to nonprofit organizations to finance the construction, rehabilitation, or acquisition of small group homes, independent living projects, or condominium units for very low-income adults with disabilities. It also provides project rental assistance funds to cover the difference between the HUD-approved operating costs of the project and the tenants' contribution toward rent.

**Congregate Housing Services Program** – Provides funds to extend expiring grants that were provided to states, units of general local government, PHAs, tribally designated housing entities, and local nonprofit housing sponsors to provide meals and other supportive services needed by frail elderly residents and residents with disabilities in Federally assisted housing.

**Multifamily Housing Service Coordinator Program** - Provides funding for service coordinators who arrange for the provision of supportive services to the elderly and persons with disabilities living in Federally assisted multifamily housing in order to insure that they continue to live independently.

**Drug Elimination Grant Program** - Assists property owners to reduce or eliminate drug-related crime or eliminate drug use and abuse among the residents of HUD-assisted low income housing.

**New Approach Anti-Drug Grants** - Provides funds to owners and operators of government or nonprofit subsidized low-income multifamily housing to augment security; assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and provide for capital improvements that enhance security of the housing.

**Neighborhood Networks** - A community-based approach that encourages the development of computer learning centers with the goal of increasing employment opportunities for residents, enabling them to access health and wellness, improving educational performance of children, empowering residents, increasing participation by property owners and decreasing the dependency of the residents on federal funding.

**Housing Counseling Assistance Program** - Provides counseling through HUD-approved housing counseling agencies to consumers on seeking, financing, maintaining, renting or owning a home.

**Section 202 Assisted Living Conversion Program** - Provides grants to owners/borrowers of eligible, existing Section 202, 202/8 and 202 Project Rental Assistance Contract (PRAC) projects designed for the elderly for the conversion of some or all of the units in these housing projects into licensed Assisted Living Facilities.

# APPENDIX 7

## Selected Programs of Public and Indian Housing

### Public Housing Capital Fund Program

Section 519 of the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276, approved October 21, 1998; also known as the Public Housing Reform Act) amends Section 9 of the United States Housing Act of 1937 to provide a Capital Fund, to be established by HUD for the purpose of making assistance available to Public Housing Agencies (PHAs) to carry out capital and management improvement activities. The amended Section 9 requires HUD to develop a formula for determining the amount of assistance provided to PHAs from the Capital Fund for a federal fiscal year, and the formula is to include a mechanism to reward performance.

#### Eligible Grantees

A PHA that operates public housing units is an eligible grantee under the Capital Fund. A PHA qualifies to receive its capital fund assistance each Federal Fiscal Year on the basis of submitting a PHA Plan to HUD.

#### Eligible Customers

Capital Fund assistance is provided to PHAs to carry out capital and management activities, including making improvements in public housing projects that benefit public housing residents, who are predominantly families and elderly persons with incomes below 50 percent of the HUD-adjusted median income in their area.

#### Eligible Activities

HUD's Office of Public and Indian Housing (PIH) will issue a proposed rule on the Public Housing Capital Fund Program in early Fall, 2000. The rule, when finalized, will complement the final rule for the Capital Fund formula allocation funding system, published on March 16, 2000 (65 FR14422). The Public Housing Reform Act's eligible capital and management activities under the Capital Fund include:

- the development, financing, and modernization of public housing projects , including the redesign, reconstruction, and reconfiguration of public housing sites and buildings (including accessibility improvements) and the development of mixed-finance projects;
- vacancy reduction;

- addressing deferred maintenance needs and replacement of obsolete utility systems and dwelling equipment;
- planned code compliance;
- management improvements;
- resident relocations;
- capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;
- capital expenditures to improve the security and safety of residents; and
- homeownership activities.

### **Funding Status**

While the amount of funding a PHA receives is determined by formula, a PHA qualifies to receive its Capital Fund assistance each Federal Fiscal Year on the basis of submitting a PHA Plan. For FY 2000, \$2.9 billion was appropriated for the Capital Fund.

### **Technical Guidance**

The Capital Fund is authorized under the United States Housing Act of 1937, as amended. (Public Law 105-276, 42 U.S.C. 1437g) Regulations for the Capital Fund Formula are found at 24 CFR Part 905. A proposed rule on the Public Housing Capital Fund Program during late Summer, 2000. The program is administered by the Assistant Secretary for Public and Indian Housing.

## **Section 8 Housing Choice Voucher Program**

The Section 8 Housing Choice Voucher program, which resulted from the merger of the Section 8 tenant-based certificate and voucher programs, increases affordable housing choices for very low-income households by allowing families to choose privately-owned rental housing. The public housing authority (PHA) generally pays the landlord the difference between 30 percent of household income and the PHA-determined payment standard, about 90 to 110% of the fair market rent (FMR). The rent must be reasonable. The household may choose a unit with a higher rent than the FMR and pay the landlord the difference.

The Section 8 Housing Choice Voucher program helps more than 1.4 million households by paying landlords a portion of the rent for the unit. The administering PHA inspects the housing units to make sure they comply with HUD quality standards. The qualifying households may use them in any rental unit where the landlord agrees to participate in the program. HUD pays the PHA an administrative fee to cover costs of running the program, including accepting and reviewing applications, and reexamining

family income and composition. The assistance provides affordable, decent, safe, and sanitary rental units to low-income families.

For FY 2000, several different NOFAs make Section 8 Housing Choice vouchers available to PHAs to benefit low-income persons. Three of these NOFAs specifically benefit persons with disabilities. These NOFAs are: (1) Mainstream Housing Opportunities for Persons With Disabilities, which makes vouchers available to not only PHAs, but also to nonprofit disability organizations; (2) Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans (Designated Housing); and (3) HUD's NOFA on Rental Assistance for Non-Elderly Persons With Disabilities Related to Certain Types of Section 8 Project-Based Developments and Sections 202, 221(d)(3) and 236 Developments (Certain Developments). Finally, the NOFA on the Fair Share Allocation of Incremental Voucher Funding makes vouchers available to PHAs on a fair share allocation basis. The Fair Share NOFA includes rating criteria in which rating points are assigned to PHAs that state in their applications that 15% or more of the vouchers being requested (or that are funded by HUD) will be used to house disabled families that include a disabled person. Rating points are also assigned to applications which state that the PHA would combine the requested/funded vouchers with Medicaid waivers for at least 3% of the new vouchers.

### **Eligible Grantees**

Generally, eligible grantees are PHAs which may apply for vouchers in response to a Notice of Funding Availability (NOFA).

### **Eligible Customers**

HUD contracts with PHAs to provide Section 8 voucher assistance to very low-income households, households already assisted under Section 8 or Public Housing, and households with incomes up to 80 percent of area median income that qualify to receive a voucher in connection with certain HUD programs. HUD annually determines median income levels for each area.

The Section 8 Housing Choice Voucher Program regulations at 24 CFR 982.207(c) provide that a PHA may give preference for admission of families that include a person with disabilities; however, the PHA may not give preference for admission of persons with a specific disability.

### **Eligible Activities**

A system of "portability" allows families to use the assistance in a different PHA's jurisdiction than where the family initially receives assistance. If a PHA chooses, up to 15 percent of assistance under the Section 8 Housing Choice Voucher program may be

project-based (used in specific buildings or units developed for the program). Families receiving project-based assistance have no right to continued assistance if they leave the assisted rental unit. Tenant-based vouchers may be used in any qualifying housing unit where the landlord agrees to participate in the program. Vouchers may be used for first-time homeownership by working families with a minimum qualifying income if a PHA chooses to operate a homeownership program.

### **Funding Status**

The FY 2000 Mainstream Housing NOFA makes \$50.25 million in five-year budget authority for approximately 1800 vouchers available to PHAs and nonprofit disability organizations. The FY 2000 Designated Housing NOFA makes \$20 million in one-year budget authority for 3,600 vouchers available to PHAs. The Certain Developments NOFA makes \$20 million in one-year budget authority for 3,600 vouchers available to PHAs. Finally, the Fair Share NOFA makes \$346,560,000 in one-year budget authority for 60,000 vouchers available to PHAs.

### **Technical Guidance**

The Section 8 Housing Choice Voucher program is authorized by Section 8(o) of the United States Housing Act of 1937, as amended by the 1998 Public Housing Reform Act. The final rule implementing the merger of the Section 8 Certificate and Voucher Programs into the Section 8 Housing Choice Voucher Program was published in the Federal Register on October 21, 1999. The final rule makes revisions to 24 CFR Parts 888 and 982. The program is administered by HUD's Office of Public and Indian Housing.

### **Hope VI Revitalization and Demolition Program**

The HOPE VI program is a direct result of the National Commission on Severely Distressed Public Housing's report, which was submitted to Congress in August, 1992. The Commission, charged with proposing a National Action Plan to eradicate severely distressed public housing, recommended revitalization in three general areas: physical improvements, management improvements, and social and community services to address resident needs.

In response to the Commission's report, Congress appropriated \$300 million for the "Urban Revitalization Demonstration" (now known as HOPE VI), as part of the 1993 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act (P.L. 102-389). Whereas most programs are both authorized and appropriated by Congress, HOPE VI operated through appropriations only from FY 1993 through FY 1998. HOPE VI was authorized for the first time in FY 1999, when the Public Housing Reform Act amended section 24 of the

United States Housing Act of 1937. The FY 2000 Notice of Funding Availability (NOFA) for HOPE VI fully incorporated the provisions of the authorization.

### **Eligible Grantees**

Any Public Housing Authority (PHA) that operates public housing units is eligible to apply for a HOPE VI grant for that public housing.

### **Eligible Customers**

The HOPE VI program benefits current public housing residents, residents of the revitalized public housing units, and communities in which the revitalized public housing projects are located.

### **Eligible Activities**

HOPE VI funds revitalization and demolition-only grants. HOPE VI permits expenditures for the capital costs of demolition, construction, rehabilitation and other physical improvements, development of replacement housing, planning and technical assistance, and planning and implementation of self-sufficiency programs. It encourages PHAs to seek new partnerships with private entities to create mixed-finance and mixed-income affordable housing that is radically different from traditional public housing projects. PHAs administer the program, and can use the grants in conjunction with modernization funds or other HUD funds, as well as municipal and State contributions, public and private loans, and low-income tax credit equity. While most of the funds are to be used for capital costs, a limited amount may be used for self-sufficiency programs.

Funding is distributed through an annual national competition. PHAs respond to a Notice of Funding Availability (NOFA) published in the Federal Register by submitting applications for revitalization or demolition to HUD.

The revitalization component of the FY 2000 HOPE VI NOFA provides rating points to applicants who state in their applications that they will make at least 5 percent of for-sale units in HOPE VI projects accessible to individuals with mobility disabilities and 2 percent of for-sale units accessible to individuals who have visual or hearing disabilities. Further, the NOFA provides rating points based on the applicant having an achievable plan for including minorities, women, and/or individuals with disabilities in the overall planning, development, and management team that will be involved in the HOPE VI revitalization effort. Also, rating points are given to an applicant according to: (1) the quality of its proposed Community and Supportive Services Plan and activities that are designed to help all residents, including those with disabilities, achieve self-sufficiency, upward mobility, and economic independence with sustainable “living wage” jobs; (2) if the applicant proposes operation and management principles and policies that are

promoting economically and demographically diverse living patterns that include all types of persons, including those with disabilities, by “reaching out” to persons with disabilities; and (3) if the applicant is affirmatively furthering fair housing through accessibility, adaptability, visibility, and diversity regarding the revitalized units and through working with local advocacy groups which represent persons with disabilities and other special needs populations.

### **Funding Status**

In July 2000, HUD awarded HOPE VI revitalization grants to 18 housing authorities in the amount of \$513.8 million. Demolition grant applications were accepted on a first-come, first-served basis up to the deadline of June 14, 2000, and 26 demolition grants were awarded to 13 housing authorities for a total of approximately \$50 million .

### **Technical Guidance**

As stated previously, the HOPE VI Program was not authorized in its first years of existence, but operated through each Fiscal Year’s HUD appropriations act. Accordingly, HUD administers the grants not by program regulation, but by each Fiscal Year’s NOFA, as published in the Federal Register, and the Grant Agreement executed between each grantee and HUD.

### **Indian Housing Units Under Native American Housing Assistance and Self Determination Act**

The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (P.L. 104-330, 25 U.S.C. 4191 et seq.) reorganized the system of Federal housing assistance to Native Americans by eliminating several separate programs and replacing them with a single block grant program. It provides for tribal governing bodies to name a Tribally Designated Housing Entity (TDHE)--which may be the former Indian housing authority (IHA)--to prepare an Indian Housing Plan or the tribe itself may submit an IHP.

NAHASDA aims to simplify the process of Federal housing assistance for Indian tribes and to make such assistance better fit the circumstances of Native Americans. It became effective October 1, 1997, and replaced assistance previously authorized under the United States Housing Act of 1937, the Indian Housing Child Development Program, the Public Housing Youth Sports Program, and the HOME Investment Partnership Program under the Cranston-Gonzalez National Affordable Housing Act, and the Innovative Homeless Demonstration Program. Some existing contracts under those programs will remain in force until those contracts expire or are renegotiated.

### **Eligible Grantees**

Assistance is in the form of a block grant made available on an annual basis using an allocation formula for Indian tribes with compliant IHPs.

### **Eligible Customers**

Eligible Indian tribes and Alaska Native villages designate who will receive the block grant. The block grant serves the housing needs of low-income American Indians and Alaska Natives.

### **Eligible Activities**

Eligible affordable housing activities must develop or support rental or ownership housing or provide housing services to benefit low-income Indian families on Indian reservations and in other Indian areas. Affordable housing must cost no more than 30 percent of the family's adjusted income. Eligible activities include modernization or operating assistance for housing developed under the United States Housing Act of 1937, acquisition, new construction, or rehabilitation of additional units; housing-related services such as housing counseling, self-sufficiency services, energy auditing, and establishment of resident organizations; housing management services; crime prevention and safety activities; rental assistance; model activities; and administrative expenses.

Every tribe that submits an IHP (which is found to be in compliance with NAHASDA) is awarded a block grant. The IHP has two parts: a 5-year plan and a 1-year plan. The 5-year plan must contain a mission statement, goals, objectives, and an activities plan. The 1-year plan must contain goals, objectives, a statement of needs, an operating budget, a statement of the affordable housing resources currently available, and certifications of compliance.

### **Funding Status**

In FY 2000, \$620 million was appropriated to the IHBG.

### **Technical Guidance**

The NAHASDA authorized the IHBG program, which replaces the Indian housing programs under the United States Housing Act of 1937. Section 106 of NAHASDA establishes the procedure for developing the regulations for the program. Regulations are found in 24 CFR, Part 1000. NAHASDA is administered by the Office of Public and Indian Housing's Office of Native American Programs (ONAP).

## **Indian Community Development Block Grant (ICDBG) Program**

The ICDBG program provides Indian country with direct grants, for use in developing viable Indian and Alaska Native communities, including decent housing, a suitable living environment, and economic opportunities, primarily for low- and moderate-income persons.

Since 1974 the Community Development Block Grant (CDBG) program has been the backbone of improvement efforts in many communities, providing a flexible source of grant funds for local governments nationwide—funds that they, with the participation of local citizens, can devote to a wide range of activities that best serve their development priorities, provided that these projects either (1) benefit low- and moderate-income families; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs. In 1977, the Housing and Community Development Act of 1974 was amended to provide a special funding mechanism (the ICDBG program) for Native American communities. One percent of each annual appropriation is reserved for Indian country. Since 1978 more than \$800 million has been provided for ICDBG funding.

### **Eligible Grantees**

ICDBG funds are distributed as annual competitive grants. Funds are allocated to each of the six Area Offices of Native American Programs (AONAP), so applicants compete for funding only with other tribes or eligible Indian entities within their area.

### **Eligible Customers**

All federally recognized Indian tribes and Alaska Native villages are eligible to participate in the ICDBG program. Projects funded by ICDBG must primarily benefit low- and moderate-income persons (generally defined as members of low- and moderate-income families that earn no more than 80 percent of the median income in the area).

### **Eligible Activities**

ICDBG funds may be used to improve the housing stock, provide community facilities, improve infrastructure, and expand job opportunities by supporting the economic development of the communities, especially by nonprofit tribal organizations or local development corporations. Indian tribes and Alaska Native villages are restricted from using block grants for construction or improvement of governmental facilities, government operations, income payments, or—unless extraordinary determinations have been made—new housing construction.

Applications must be sent to the appropriate AONAP, following instructions of the annual Notice of Funding Availability (NOFA).

### **Funding Status**

For FY 2000, \$67 million was appropriated for ICDBG.

### **Technical Guidance**

The ICDBG program is authorized by the Housing and Community Development Act of 1974, Section 106(a), as amended (42 U.S.C. 5301 ff ) Section 7(d) of the Housing and Urban Development Act (42 U.S.C. 3535(d)). Regulations are found at 24 CFR Part 1003. It is administered by HUD's Office of Native American Programs (ONAP).

### **Indian Home Loan Guarantee Program**

The Indian Home Loan Guarantee Program (Section 184 of the Housing and Community Development Act of 1992) gives Native Americans access to sources of private mortgage financing by providing loan guarantees to lenders. Section 184 covers one-to-four family homes located in Indian or Alaska Native areas on land that is either trust or restricted land or within the operating area of the IHA, TDHE or tribe. The loans may be used for acquisition of existing housing, new construction or purchase/rehabilitation of existing housing.

Much of the land in Indian country is held in trust by the U.S. government. Land held in trust for a tribe cannot be encumbered or alienated, and land held in trust for an individual must receive Federal approval before a lien is placed on the property. As a result, Native Americans have historically had limited access to private mortgage capital. In 1992, Congress created the Section 184 program to address the lack of mortgage capital in Indian country by authorizing HUD to guarantee loans made by private lenders to Native Americans on trust and fee lands in Indian country.

Assistance is in the form of loan guarantees for single-family (one-to-four family units) residential loans. There are no income limits.

### **Eligible Customers**

Eligible borrowers are any person recognized as being Indian or Alaska Native by an Indian tribe, and who will occupy the property as a principal residence; an IHA including a TDHE; and an Indian tribe. All borrowers must meet the credit and underwriting standards of the program. For tribal members to participate in the Section 184 Program on tribal trust lands, the tribe must demonstrate that a legal and administrative framework exists that is sufficient to protect the interests of the borrower.

the lender and HUD. To establish this legal and administrative framework, tribes must adopt foreclosure, eviction and priority of lien procedures that will apply to Section 184 loans when a tribal court has legal jurisdiction over the property. A lease acceptable to the tribe, the Bureau of Indian Affairs and HUD must be adopted to create the leasehold mortgage for tribal trust lands.

Also, other programs provide funds for housing, which may benefit Native Americans, though not directed exclusively towards Native Americans. For instance, the Home Investment Partnership program provides formula grants to State and local governments for housing activities within their jurisdiction. The Home program permits States to fund projects on Indian reservations located within the State, provided that the State includes Indian reservations in its consolidated plan.

### **Eligible Activities**

Eligible borrowers may use Section 184 for the (1) acquisition of existing housing; (2) construction of new housing (including manufactured housing); 3) rehabilitation of existing housing; or 4) acquisition and rehabilitation of existing housing. Commercial structures are not eligible. Properties must be 1) located on land that is either trust or restricted land or within the operating area of an IHA, TDHE or tribe; 2) meet applicable building codes and quality standard requirements; and 3) be a single family structure (one to four living units).

The maximum mortgage loan is calculated based upon 97.75% of the appraised value of the property or the acquisition cost, whichever is lower (or 98.75% if the appraised value or acquisition cost is \$50,000 or less). All mortgages are capped at 150 percent of the FHA loan limits for the area. Allowable closing costs can be included in the financing. The maximum mortgage term is 30 years and refinances are not eligible. A TDHE, IHA or tribe can use Section 184 to develop single family homes for sale to eligible borrowers or to create tribally owned rental housing.

Eligible borrowers apply for loans through private mortgage lenders. Eligible lenders include private lenders approved by HUD/Federal Housing Administration (FHA), Veterans Administration, the Department of Agriculture, or any lender that is supervised, approved, regulated or insured by any agency of the Federal government or any other lender approved by the Secretary. Approved lenders process the loans and then submit them to HUD's ONAP Program Office, which underwrites the loan and, if satisfactory, issues a firm commitment to provide the guarantee. The ONAP has also implemented regulations (Direct Guarantee) which permit approved lenders to process and underwrite their 184 loans and submit them for guarantee after loan closing.

### **Funding Status**

Section 184 is subject to an annual appropriation that limits the loan amounts made during a Fiscal Year (FY). For FY 2000, the program has \$135.3 million in guarantee authority, including previous fiscal year carryover.

### **Technical Guidance**

Section 184 was authorized by the Housing and Community Development Act of 1992, as amended by Title VII of NAHASDA. Program regulations are published at 24 CFR 1005. Current program guidelines are published in the Indian Housing Loan Guarantee Program-Processing Guidelines July 1997 with subsequent Section 184 Letters. The program is administered by ONAP.

### **Title VI - Federal Guarantees For Financing For Tribal Housing Activities**

Title VI of NAHASDA authorizes HUD to guarantee notes or other obligations issued by Indian tribes or for the purpose of financing affordable housing activities described in Section 202 of NAHASDA. HUD guarantees 95% of the principal and interest due to a lender on an obligation in the case of a default. HUD provides the guarantee where financing cannot be completed without the use of the guarantee.

### **Eligible Borrowers**

Federally recognized Indian tribes or a TDHE that is an approved recipient for IHBG funding.

### **Eligible Lenders**

- Approved by FHA;
- Lender under chapter 37 of 38, United States Code, whose loans are automatically guaranteed pursuant to section 1802(d);
- Approved by Department of Agriculture,
- Supervised, approved, regulated, insured by an agency of the United States; and/or
- Approved by the HUD Secretary.

### **Eligible Activities**

Eligible activities are affordable housing activities under the IHBG. They include modernization or operating assistance for housing previously developed using HUD resources; acquisition, new construction, or rehabilitation of additional units (which may include site development, development of utilities, and services); housing-related

services such as housing counseling, self-sufficiency services, energy auditing, and establishment of resident organizations; housing management services; crime prevention and safety activities; rental assistance; model activities; and administrative expenses.

**Applications**

Applications for the guarantees will be made through the private sector lender. That lender will apply for a guarantee to the ONAP Program Office in Denver, Colorado. TDHE applications must have tribal approval.

**Funding Status**

[Each year Congress designates a set-aside for the Title VI guarantee program from the IHBG allocation.](#)

[Program funding history:](#)

FY 98	\$5 million	Guarantee Authority	\$45,454,545
FY 99	5.8 million		52,393,857
FY 00	5.8 million		<u>52,393,857</u>
		Total	<u>\$150,242,259</u>

**Technical Guidance**

The Federal Guarantees for Financing for Tribal Housing Activities program is authorized by Title VI of the NAHASDA. It is administered by the National ONAP, Office of Loan Guarantees.

**Public Housing Drug Elimination Program (PHDEP)**

PHDEP provides funds for counseling, education, training, physical improvement, local law enforcement, treatment programs, and other activities relating to the prevention and elimination of drug abuse and crime in public housing. Employment and training activities are funded as part of drug prevention, intervention, and treatment. Beginning in FY 1999, grant funds are provided according to a formula allocation funding system, rather than by competitive distribution.

**Eligible Grantees**

Eligible applicants are PHAs, Resident Management Corporations (RMCs), and consortiums of PHAs.

### **Eligible Customers**

PHDEP benefits residents of public housing and surrounding low-income neighborhoods.

### **Eligible Activities**

PHDEP funds a broad spectrum of activities, including employment of security personnel, reimbursement of local police for additional security services, physical improvements to increase security, training and equipping voluntary tenant patrols, innovative anti-drug programs, and funding nonprofit resident management corporations and tenant councils to develop security and drug abuse prevention programs. HUD emphasizes comprehensive anti-crime measures, community policing, youth initiatives, and the "One Strike and You're Out" approach to resident screening.

### **Funding Status**

FY 2000 funding for PHDEP grants is \$241,567,824.

### **Technical Guidance**

PHDEP activities are authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901), as amended by Section 586 of the 1998 Public Housing Reform Act. PHDEP is administered by HUD's Office of Public and Indian Housing (PIH).

# APPENDIX 8

## Selected Community and Economic Development Programs

### Empowerment Zones/Enterprise Communities

#### The Empowerment Zones/Enterprise Communities Initiative

The **Empowerment Zones/Enterprise Communities (EZ/EC)** initiative is a key element of President Clinton's job creation strategy for America. Its purpose is to create jobs. The Empowerment Zone /Enterprise Community Initiative provides business opportunities in the most distressed areas of inner cities and the rural heartland. This initiative combines tax incentives for business development and job creation with a comprehensive approach to community revitalization of the neediest urban and rural regions.

Each Federally designated zone is required to create a strategic plan that must be developed in accordance with four key principles:

- Strategic Vision for Change
- Community-Based Partnerships
- Economic Opportunity
- Sustainable Community Development.

A total of 72 urban areas and 33 rural communities were designated, on a competitive basis, as Empowerment Zones or Enterprise Communities in 1994. In 1997, the EZ/EC initiative reached \$4 billion of new private investment attracted to distressed areas since the program began. It had created 20,000 jobs and provided job training and education for 45,000 EZ/EC residents. Fifteen urban communities and five rural communities were selected as Round II Empowerment Zones in 1999. Workforce development activities in the designated communities (such as job creation, job training, and entrepreneurial support) may be funded through HUD funds and state and local financial resources. FY 2000 funding is \$55 million.

#### Legislative Authority

The most recent Empowerment Zones program Round II designees made in 1999 are authorized by the Taxpayer Relief Act of 1997, Public Law 105-34 (8/5/97). The EZ program regulations are found at 24 CFR Part 598 (April 16,1998). Fifteen Urban Empowerment Zone designations were made under the law and regulations. Each will receive \$3 million in planning funds from HUD totaling \$45 million. In addition to HUD

funding, each Urban EZ may anticipate \$7 million Social Service Block Grant (SSBG) funds for year one and \$10 million for each of the next nine years from HHS for a total of \$97 million each, depending upon final appropriation by Congress.

### **Eligible Activities**

Activities are eligible for funding under HHS Title XX Social Services Program Regulations. These regulations were incorporated in the first round of Empowerment Zone and Enterprise Community designations at 24 CFR Part 597 Final Rule published in the Federal Register on January 12, 1995. The 24 CFR Part 597 Final Rule should also be used to determine EZ program activity eligibility for the Round II designees. These regulations are incorporated as the “Appendix Guidelines on Eligible Uses of EZ/EC SSBG Funds” found on pages 19160 and 19161 of the Federal Register/Vol.63, No 73/Thursday, April 16, 1998/Rules and Regulations. Eligible activities include:

- Community and economic development programs and efforts to create employment opportunities;
- Job training and job readiness projects; and
- Projects to finance community-focused financial institutions for enhancing the availability of credit such as loan funds, revolving loan funds, and micro-enterprise loan funds.

### **Tax Incentives**

The tax benefits that are available to the Round II EZs are the following:

- Tax-exempt bond financing
- Increased Section 179 deduction
- Environmental cleanup cost deduction
- Welfare to work tax credit
- Work opportunity tax credit
- Qualified zone academy bonds.

### **Strategic Planning and Community Participation**

The Department provides general guidelines on strategic planning to assist EZ designees in determining their needs and setting priorities for revitalization. This strategy should also complement the community’s Consolidated Plan. Community-based partnerships are formed to create a shared vision for each community. Based upon the vision, the community sets goals and specific actions that are tailored to address community needs. To assist in the evaluation of programs, the community must develop a performance measurement system to collect data on results produced by programs and projects.

## **Economic Development Initiative (EDI)**

The EDI supports job creation projects through its financing of community and economic development initiatives. EDI supplements the Section 108 Loan Guarantee and Community Development Block Grant programs by putting additional equity into community and economic development programs. EDI has helped finance projects as varied as shopping centers, restaurants, and entertainment complexes, all of which generated new construction and long-term employment opportunities. EDI is funded at \$24.1 million in FY 2000.

## **Community Development Block Grant (CDBG) Entitlement Communities Program**

### **Summary**

CDBG provides eligible metropolitan cities and urban counties (called "entitlement communities") with annual direct grants that they can use to revitalize neighborhoods, expand affordable housing and economic opportunities, and/or improve community facilities and services, principally to benefit low- and moderate-income persons.

### **Purpose**

Since 1974, CDBG has been the backbone of improvement efforts in many communities, providing a flexible source of annual grant funds for local governments nationwide—funds that they, with the participation of local citizens, can devote to the activities that best serve their own particular development priorities, provided that these projects either (1) benefit low- and moderate-income persons; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs. The CDBG Entitlement Communities program provides this Federal assistance to almost 1000 of the largest localities in the country.

As one of the nation's largest Federal grant programs, the impact of CDBG-funded projects can be seen in the housing stock, the business environment, the streets, and the public facilities of these entitlement communities. Although the rehabilitation of affordable housing has traditionally been the largest single use of CDBG funds, the program is also an increasingly important catalyst for economic development activities that expand job and business opportunities for lower income persons and neighborhoods.

### **Type of Assistance**

Each year, the grant funds available for entitlement communities are allocated according to relative need on the basis of the higher of two formulas. The first considers the

presence of overcrowded housing in the locality, its population, and poverty rate. The second uses housing age, population growth lag, and poverty rate.

### **Eligible Grantees**

Recipients of CDBG entitlement funds include local governments with 50,000 or more residents, other local governments designated as central cities of metropolitan areas, and urban counties with populations of at least 200,000 (excluding the population of entitled cities). Local governments may carry out all activities themselves or award some or all of the funds to private or public nonprofit organizations as well as for-profit entities. A separate component of CDBG—the State CDBG Program—provides program funds to the States, which they allocate among localities that do not qualify as entitlement communities.

### **Eligible Customers**

Low- and moderate-income persons (generally defined as members of a family earning no more than 80 percent of the area median income) benefit most directly and most often from CDBG-funded activities. Grantees must use at least 70 percent of CDBG funds for activities that principally benefit low- and moderate-income persons. This includes activities where either the majority of direct beneficiaries (from the jobs created, for example, or the housing units rehabilitated) are low- or moderate-income persons and activities that serve an area generally (a new community center, for example, or sidewalk repairs) where the majority of the residents of that service area are low- and moderate-income persons.

### **Eligible Activities**

Grantees may use CDBG funds for activities that include (but are not limited to):

- Acquiring real property (primarily land, buildings, and other permanent improvements to the property) for public purposes. This type of activity might include, for example, buying abandoned houses for rehabilitation or an old industrial site in a distressed neighborhood for redevelopment. CDBG also helps communities demolish property and clear sites to prepare the land for other uses.
- Reconstructing or rehabilitating housing and other property. From homeless shelters to single-family homes and from playgrounds to shopping centers, CDBG enables communities to improve properties that have become less usable, whether due to age, neglect, natural disaster, or changing needs. New construction of housing is allowed only in certain circumstances.

- Building public facilities and improvements, such as streets, sidewalks, sewers, water systems, community and senior citizen centers and recreational facilities.
- Helping people prepare for and obtain employment through education and job training, welfare-to-work activities, and other services.
- Assisting for-profit businesses for special economic development activities. Such projects might include micro-enterprise loans to low-income entrepreneurs, assembling land to attract new industry, or business expansion loans to help retain existing businesses that employ low-income workers.
- Providing public services for youths, seniors, or persons with disabilities. These might include day care centers, youth services and meals on wheels for the elderly, health care facilities, transportation, or counseling.
- Carrying out crime reduction initiatives such as establishing neighborhood watch programs, providing extra police patrols, rehabilitating or constructing police substations, and clearing abandoned buildings used for illegal activities.
- Assisting low-income homebuyers directly through, for example, down payment assistance, subsidizing interest rates or helping with closing costs for first-time buyers.
- Enforcing local building codes to reverse housing deterioration and other signs of blight.
- Paying for planning and administrative expenses, such as costs related to developing a Consolidated Plan and managing CDBG funds.

### **Application**

To receive its annual CDBG entitlement grant, a recipient must have an approved Consolidated Plan, which fulfills the application and reporting requirements for entitlement communities and contains an action plan describing how the jurisdiction will use its CDBG funds.

HUD expects to publish a notice in the Federal Register in the 1<sup>st</sup> quarter of FY 2001. The purpose of this notice is to reemphasize the responsibility of Community Planning and Development formula grant program recipients to:

- (1) affirmatively further fair housing which includes analyzing compliance with the multifamily design and construction requirements of the Fair Housing Act (the Act); and
- (2) include individuals with disabilities in the citizen participation process for the development of Consolidated Plans and Annual Action Plans.

During the new five year Consolidated Plan cycle that begins in FY 2001, Consolidated Plan jurisdictions are strongly encouraged to periodically review and update their AIs, as appropriate, to give the same attention to impediments to fair housing choice for persons with disabilities as is provided for other bases of discrimination such as race that have been prohibited by the Act since its inception in 1968. HUD in its review of Annual Action Plan submissions and during on-site reviews, will consider whether jurisdictions are giving appropriate attention in their Action Plans to compliance with the accessibility requirements of the Act by both private and public housing providers.

Jurisdictions are also encouraged to take other actions to advance fair housing choice for persons with disabilities in support of their certification to affirmatively further fair housing. Recent HUD House Appropriations report language would direct HUD, when reviewing Consolidated Plans, to take into consideration a community's adoption of a building code that satisfies the Act's accessibility requirements along with the community's other efforts to remove impediments to fair housing (see H.Rep. 106-674).

### **Funding Status**

FY '97 funding was \$3.017 billion (out of a \$4.6 billion CDBG allocation); FY '98 funding was \$2.937 billion (out of a \$4.67 billion CDBG allocation); FY '99 funding was \$2.958 billion (out of a \$4.75 billion CDBG allocation); FY 2000 funding is \$3.031 billion (out of a \$4.236 billion CDBG allocation). Approximately 70 percent of each fiscal year's amount is distributed by formula to entitlement communities.

### **Technical Guidance**

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C.-5301 et seq. Program regulations are at 24 CFR 570. HUD's CDBG Electronic Policy Guidance Library provides program notices and other relevant information in electronic form.

Community Connections (1-800-998-9999) offers information on CDBG technical assistance, providers, and events. Technical and administrative guidance for entitlement communities include Guide to National Objectives and Eligible Activities for Entitlement Communities; Everything You Ever Needed to Know About CDBG but Couldn't Find!, CD1043; Secondary Markets for City-Owned CDBG Loans (1996), CD1045; Training Guide for CDBG Grantee Training of Subrecipients in Administrative System (Anthony A. Phipps and Scott Hebert; August, 1993). These are available from Community Connections.

## **For More Information**

*General*—Planned and recently implemented activities undertaken by individual entitlement communities with CDBG funds are described in summaries of each community's Consolidated Plan, available online at HUD's Website. For other program information, contact Community Connections (1-800-998-9999). Available publications of general interest include: *Communities That Work: CDBG = Jobs* (February 1997), CD1060, as well as an annual report on the program.

*Research*—A recent two-volume report prepared by the Urban Institute for HUD, entitled “Federal Funds, Local Choices: An Evaluation of the CDBG Program” (Office of Policy Development and Research, 1995) concluded that CDBG “has made an important contribution to city community development, including demonstrated success in achieving local neighborhood stabilization and revitalization objectives.” It found that CDBG funds were more effectively targeted to low and moderate-income people than required under law. This report and other research publications on CDBG are available from HUD USER at 1-800-245-2691.

## **Success Stories**

Through the John J. Gunther Blue Ribbon Practices in Community Development awards, HUD recognizes the most notable and innovative practices in community development, including many successful uses of CDBG funds.

## **Community Development Block Grants for Insular Areas**

### **Summary**

CDBG for Insular Areas provides four U.S. Territories and Trusts with annual direct grants for use in revitalizing neighborhoods, providing affordable housing, expanding economic opportunities, and improving community facilities and services.

### **Purpose**

Since 1974, CDBG has been the backbone of improvement efforts in many communities, providing a flexible source of annual grant funds for local governments nationwide. With the participation of their citizens, communities can devote these funds to a wide range of activities that best serve their own particular development priorities, provided that these projects (1) benefit low- and moderate-income families, (2) prevent or eliminate slums or blight, or (3) meet other urgent community development needs.

HUD distributes almost 70 percent of CDBG program funds directly to about 1,000 of the largest local governments every year through the Entitlement Communities program. Most of the remaining funds are distributed among the states, which administer awards to smaller local governments that do not qualify for a direct allocation. Many of the remaining funds are distributed to insular areas.

As one of the nation's largest Federal grant programs, the impact of CDBG-funded projects can be seen in the housing stock, the business environment, the streets, and public facilities of almost every community. Traditionally, the largest single use of State CDBG funds has been the provision of public facilities. In the past few years, however, the program has played an increasingly key role in stimulating economic development activities that expand job and business opportunities for low-income families and neighborhoods.

### **Type of Assistance**

The program awards annual project grants based on population size and past performance of the applicants.

### **Eligible Grantees**

The four eligible insular areas are American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

### **Eligible Customers**

Low- and moderate-income persons (generally defined as members of low- and moderate-income families that earn no more than 80 percent of their area median income) benefit most directly from CDBG-funded activities. Insular areas must award at least 70 percent of their CDBG funds for activities that benefit low- and moderate-income persons. These can be either activities in which the majority of the people who benefit are low- and moderate-income persons or activities that benefit an area in which at least 51 percent of the residents are members of low- or moderate-income families.

### **Eligible Activities**

- Insular areas may implement policies that give priority to particular activities, such as economic development projects or wastewater treatment systems.

### **Application**

To receive its CDBG grant, an insular area must file an application to its HUD Field Office. The Hawaii State Office at Honolulu, HI is responsible for American Samoa, Guam, and the Northern Mariana Islands. The Caribbean Office at San Juan, Puerto Rico, is responsible for the Virgin Islands.

### **Funding Status**

FY '97 funding was \$7 million; FY '98, funding was \$7 million; FY '99 funding was \$7 million; FY 2000 funding was \$7 million. For current allocations go to <http://www.hud.gov/cpd/cpdalloc.html>.

### **Technical Guidance**

The CDBG program for insular areas is authorized by the Housing and Community Development Act of 1974, Section 107 (b)(1), as amended. Program regulations are at 24 CFR Part 570. The Office of Block Grants at the HUD Office Of Community Planning and Development (CPD) administers the program at HUD Headquarters. Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance Programs, (202) 708-1322. Hearing-impaired users may call the Federal Information Relay Service at 1-800-877-8339. For information on a particular territory's CDBG program, contact the Community Planning and Development Division in the Hawaii State Office at (808) 522-8180 or the Caribbean Office at (787) 766-5576.

### **For More Information**

Community Connections (1-800-998-9999) distributes Communities That Work: CDBG = Jobs (February 1997), CD1060; State Community Development Block Grant Program Fact Sheet (1993), CD1001; as well as an annual report on the program. A Fact Sheet concerning the program is available.

Descriptions of planned and recently implemented activities undertaken by individual grantees with CDBG funds are described in summaries of each community's Consolidated Plan, available online at HUD's Website.

CDBG publications available from the HUD Office of Policy Development and Research include Secondary Markets for City-Owned CDBG Loans (1996, \$5) and Study of the Success Rate of State CDBG Economic Development Loans (1995, \$5). To order, contact HUD USER at 1-800-245-2691; TDD: 1-800-483-2209; e-mail: [huduser@aspensys.com](mailto:huduser@aspensys.com).

For information on CDBG technical assistance, providers, and events go to the Community Connections Technical Assistance database.

## **Success Stories**

Through the John J. Gunther Blue Ribbon Practices in Community Development awards, HUD recognizes the most notable and innovative practices in community development, including CDBG. To access these awards go to <http://www.hud.gov/ptw/menu.html>.

## **State Community Development Block Grant Program Description**

### **Summary**

The State CDBG Program provides States with annual direct grants, which they in turn award to smaller communities and rural areas for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, and/or improving community facilities and services.

### **Purpose**

Since 1974 CDBG has been the backbone of improvement efforts in many communities, providing a flexible source of annual grant funds for local governments nationwide. With the participation of their citizens, communities can devote these funds to a wide range of activities that best serve their own particular development priorities, provided that these projects (1) benefit low- and moderate-income families; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs.

As one of the Nation's largest Federal grant programs, the impact of CDBG-funded projects can be seen in the housing stock, the business environment, the streets, and public facilities of almost every community. Traditionally, the largest single use of State CDBG funds has been the provision of public facilities. In the last few years, however, the program has played an increasingly key role in stimulating economic development activities that expand job and business opportunities for lower income families and neighborhoods.

### **Type of Assistance**

In the state CDBG program HUD makes annual grants to states that then use the funds to make grants to smaller communities. Larger cities and counties receive annual grants directly from HUD through the CDBG Entitlement Communities program and are not eligible to receive state CDBG funds. Another component of CDBG is the Insular Areas CDBG program which provides funding to U.S. Territories.

Each year, HUD distributes about 30 percent of CDBG program funds among the states according to the CDBG formula. Forty-eight of the states and the Commonwealth of Puerto Rico administer awards to smaller local governments. While these states receive CDBG funds as an annual block grant, they must develop a method to distribute funds to eligible local governments. To ensure that funds are used appropriately and distributed in amounts large enough to have an impact, most states hold annual funding competitions for non-entitlement communities. States may reflect statewide priorities by earmarking funds for specific activities (e.g., economic development).

### **Eligible Grantees**

CDBG provides annual grants to 48 states and the Commonwealth of Puerto Rico. They must distribute CDBG funds as grants to units of general local government not eligible through the CDBG Entitlement Communities program. States may keep a small percentage for administrative costs and to provide technical assistance to local governments and nonprofit organizations. New York and Hawaii chose not to administer the state CDBG program; HUD makes grants directly to non-entitlement communities within these two states through the HUD-Administered Small Cities Program.

### **Eligible Customers**

States award CDBG grants exclusively to local governments that conduct community development activities. Communities eligible for state CDBG funds are municipalities with fewer than 50,000 residents (except certain central cities), and non-urban counties (generally those with populations of 200,000 or fewer, excluding any entitlement cities contained within the county).

Low- and moderate-income persons (generally defined as members of low- and moderate-income families that earn no more than 80 percent of median income) benefit most directly from CDBG-funded activities. States must award at least 70 percent of their CDBG funds for activities that benefit low- and moderate-income persons. These can be activities in which the majority of beneficiaries who benefit are low- and moderate-income or activities that benefit an area in which at least 51 percent of the residents are of low and moderate income.

### **Eligible Activities**

- States establish their own programs and rules to govern the distribution of their CDBG funds. While states may implement policies that give priority to particular activities—economic development projects or wastewater treatment

systems, for instance—their choices are limited by the activities that are eligible under the national program.

### **Application**

To receive its annual CDBG entitlement grant, a recipient must have an approved Consolidated Plan, which fulfills the application and reporting requirements for entitlement communities and contains an action plan describing how the jurisdiction will use its CDBG funds.

### **Funding Status**

FY 97, \$1.293 billion (out of a total CDBG allocation of \$4.67 billion); FY 98, \$1.259 billion (out of a total CDBG allocation of \$4.6 billion); FY 99, \$1.268 billion (out of a total CDBG allocation of \$4.75 billion); FY 2000, \$1.205 billion (out of a total CDBG allocation of \$4.236 billion). (HUD retains the formula allocations for Hawaii for distribution to non-entitlement communities within this state).

### **Technical Guidance**

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C.-5301 et seq. Program regulations are at 24 CFR 570, subpart F (for New York and Hawaii programs) and subpart I (for participating States). Community Connections has information on CDBG technical assistance, providers, and events.

The Office of Block Grant Assistance in HUD's Office of Community Planning and development (CPD) administers the program. Contact: State and Small Cities Division, Rm. 7184, 451 7th Street, SW, Washington, DC 20410, (202) 708-1322. Hearing impaired users may call the Federal Information Relay Service at 1-800-877-8339. For information on a particular state's CDBG program, contact state CDBG program officers directly.

### **For More Information**

*General*—Descriptions of planned and recently implemented activities undertaken with state CDBG funds are described in summaries of each state's Consolidated Plan, available online at HUD's website.

For other program information, contact Community Connections (1-800-998-9999). Available publications of general interest include: Communities That Work: CDBG = Jobs (February 1997), CD1060; State Community Development Block Grant Program Fact Sheet, CD1001; as well as an annual report on the program.

### **Success Stories**

Through the John J. Gunther Blue Ribbon Practices in Community Development awards, HUD recognizes the most notable and innovative practices in community development, including many successful applications of CDBG funds.

# APPENDIX 9

## Fair Housing Programs

### The Fair Housing Initiatives Program (FHIP)

The Fair Housing Initiatives Program is built upon four pillar initiatives that promote fair housing laws and equal housing opportunity awareness. The four initiatives are:

- FHIP-Fair Housing Organizations Initiative (FHOI)
- FHIP-Private Enforcement Initiative (PEI)
- FHIP-Education and Outreach Initiative (EOI)
- FHIP-Administrative Enforcement Initiative (AEI).

#### Purpose

FHIP-FHOI offers a comprehensive range of support for fair housing activities. It builds the capacity and effectiveness of nonprofit fair housing organizations by providing funds to undertake more effective fair housing enforcement and education initiatives. FHOI also strengthens the fair housing movement nationally and locally by encouraging the creation and growth of organizations that focus on the rights and needs of populations currently underserved especially those persons who are homeless, living in rural areas, and immigrant populations, especially ethnic minorities who are not English speaking.

FHIP-PEI offers a comprehensive range of assistance to the nationwide network of fair housing groups. This initiative funds nonprofit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

FHIP-EOI offers a comprehensive range of support for fair housing activities, providing funds to state and local government agencies and nonprofit organizations for products and initiatives intended to explain to the general public and key housing market actors what equal opportunity in housing means and what it requires of them in the sale, rental, and financing of housing.

FHIP-AEI was established to provide a pool of competitive grant funds set aside for special enforcement actions to be undertaken by agencies responsible for administering "substantially equivalent" state or local laws--that is, laws with rights, remedies, procedures and availability of judicial review that are similar to those in the Fair Housing Act. The initiative supports state and local governments in implementing specialized

projects to obtain better administrative enforcement by strengthening or broadening an agency's range of enforcement and compliance activities.

### **Type of Assistance**

All four FHIP initiatives provide competitive grants to eligible organizations.

### **Eligible Grantees**

FHIP-FHOI: Qualified fair housing enforcement organizations (QFHO) those with at least two years experience), other fair housing enforcement organizations, and all nonprofit groups organizing to build their capacity to provide fair housing enforcement may apply for FHOI funding. In FY 2000, HUD focused those groups providing services to both rural and immigrant populations, for funding priority. FHOI applicants proposing to establish new fair housing organizations in an underserved area were emphasized.

FHIP-PEI: QFHOs and Fair Housing organizations (FHOs) that meet certain requirements related to the length and quality of previous fair housing enforcement experience may apply for PEI funding.

FHIP-EOI: State or local governments, QFHOs, other FHOs and other public or private nonprofit organizations representing groups of persons protected by the Fair Housing Act may apply for EOI funding.

FHIP-AEI: To be eligible for funding, state or local agencies are certified by HUD under 24 CFR Part 115 as having statutes "substantially equivalent" to the Fair Housing Act.

### **Eligible Customers**

FHIP-FHOI: Grantees are committed to working with both providers and consumers on fair housing enforcement matters, but in particular to protect the rights of persons who believe that they have been the victims of discrimination in housing on the basis of race, color, religion, sex, disability, familial status (generally, the presence of children in the household), or national origin.

FHIP-PEI: Activities serve families and individuals who believe they are victims of housing discrimination on the basis of race, color, religion, sex, disability, familial status, or national origin.

FHIP-EOI: Activities assist both consumers and providers of housing in promoting awareness that discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin is unlawful.

FHIP-AEI: Activities serve both consumers and providers of housing in the jurisdiction of the funded agencies; its enforcement actions provide particular benefits to those who believe that they have been victims of housing discrimination on the basis of race, color, religion, sex, disability, familial status, or national origin.

### **Eligible Activities**

FHIP-FHOI: Grants may be used flexibly to support the basic operation and activities of new and existing nonprofit fair housing organizations. However, in the development component, FHOI funds may not make up more than half of the operating budget for any recipient organization.

FHIP-PEI: Funds such activities as conducting complaint-based and targeted testing and other investigations of housing discrimination, linking fair housing organizations in regional enforcement activities, and establishing effective means of meeting legal expenses in support of fair housing litigation.

FHIP-EOI: Funds a broad range of educational activities--national, regional, local, or community-based in scope. Activities may include developing educational materials, analyzing local impediments to housing choice, providing housing counseling and classes, convening meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public information campaigns. National projects that demonstrate cooperation with the real estate industry or focus on resolving the community tensions that arise as people expand their housing choices may be eligible to receive preference points.

FHIP-AEI: Supports State and local governments in their intake of housing discrimination complaints, testing and evaluation of testing results, investigations, conciliation activities, enforcement (through litigation or referral to enforcement agencies), and in educating the public about fair housing laws.

### **Application**

Prospective applicants may obtain the Notice of Funding Availability (NOFA) and application kit by contacting the Super NOFA information Center at 1-800-HUD-8929 and 1-800-483-2209 (TTY). Additionally information can be retrieved from the HUD website on the Internet at <http://www.hud.gov>.

## **Technical Guidance**

FHIP is authorized under Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616; P. L. 100-242), as amended by the Housing and Community Development Act of 1992. Program regulations are at 24 CFR Part 125. FHIP initiatives are administered by HUD's Office of Fair Housing and Equal Opportunity.

### **The Fair Housing Assistance Program (FHAP)**

The Fair Housing Assistance Program (FHAP) strengthens nationwide fair housing efforts by helping State and local fair housing enforcement agencies to administer their respective fair housing laws and ordinances that have been determined to be substantially equivalent to the Federal Fair Housing Act.

#### **Purpose**

FHAP's purpose is to provide assistance to State and local fair housing enforcement agencies. Its intent is to build a coordinated intergovernmental enforcement effort to further fair housing and to encourage the agencies to assume increased responsibility for the administration and enforcement of their fair housing laws and ordinances.

#### **Type of Assistance**

The FHAP provides funding support for Capacity Building and Contributions agencies. Capacity Building agencies receive one flat amount. Contributions agencies receive funds for four categories: case processing, training, administrative costs, and special enforcement efforts.

FHAP provides funds annually on a noncompetitive basis to all eligible State and local fair housing enforcement agencies through the execution of cooperative agreements. The amounts awarded under the FHAP each year varies based on the budget.

#### **Eligible Grantees**

Any substantially equivalent State or local fair housing enforcement agency is eligible to participate in the FHAP. Substantial equivalency is contingent upon an agency's receiving and maintaining an affirmative conclusion on two separate issues: 1) whether the State or local fair housing law or ordinance provides rights, remedies, procedures, and the availability of judicial review that are substantially equivalent to those found in the Fair Housing Act, and 2) whether the agency has the administrative capability to carry out the provisions of its fair housing law or ordinance.

### **Eligible Customers**

FHAP funded agencies and activities help protect all persons who believe they have been victims of housing discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability.

### **Eligible Activities**

The FHAP supports a variety of fair housing administrative and enforcement activities, including complaint processing, training, education and outreach, implementation of data and information systems, and the development and enhancement of other fair housing enforcement projects.

### **Application**

Eligible FHAP agencies are offered cooperative agreements at the appropriate time during the year.

### **Technical Guidance**

FHAP is authorized under Section 817 of the Fair Housing Act. Program regulations are at 24 CFR Part 115, Certification and Funding of State and Local Fair Housing Enforcement Agencies. FHAP is administered by the Office of Fair Housing and Equal Opportunity.

# APPENDIX 10

## Jobs for Persons with Disabilities - Activities Under Way

HUD has been pursuing a number of actions that affect persons with disabilities in their efforts to seek and maintain employment.

- The Department promotes disability-related activities under its Fair Housing Initiatives Program to enhance compliance in the area of disability. Over the past several years, the Department has funded numerous grants under the FHIP program that focus on disability issues. Under its FY 99 and 2000 FHIP NOFAs, the Education and Outreach Initiative included a Disability Component providing \$750,000 for various grants of \$150,000 each. Through the FHIP, the Department funded two of its partners, Access Living and the National Association of Home Builders Research Center, to provide 22 seminars nationwide on the accessibility requirements of the Fair Housing Act, Section 504 and the ADA. In addition, the FY 99 National Education and Outreach Initiative under its Best Practices component encourage grantees to address the accessibility requirements of the Fair Housing Act. In FY 2000, the disabilities component supported education and outreach to address the needs of persons with disabilities so that they, housing providers, and the public could better understand the rights and obligations under the Fair Housing Act. The Department continues to make materials developed under these grants available to the public through the HUD Publications Center.
- HUD's Real Estate Assessment Center (REAC) assesses the performance of managers and owners of FHA-insured, multifamily, and public housing by collecting and evaluating data on the physical and financial condition of their properties, their management capacity, and the level of resident satisfaction. REAC's physical inspection program collects information on the accessibility of all such projects built or substantially rehabilitated after March 13, 1991.
- Disability advocacy groups have joined with HUD to provide, through distance learning training, instruction and guidance to HUD staff on sensitivity to persons with disabilities when carrying out their complaint intake and investigation functions. The questionnaire used in assessing jurisdiction of allegations of discrimination based on disability was revised after extensive consultation with disability advocacy groups. HUD will continue to monitor these two functions.
- The Notices of Funding Availability (NOFA) for the various grant programs include language promoting “visibility” in housing in addition to meeting the requirements of Section 504, the Fair Housing Act, Title II of the ADA, and

the Architectural Barriers Act. The NOFAs have threshold requirements for applicant certifications of compliance with fair housing laws, Section 504, the Fair Housing Act and Title II of the ADA. The NOFA advises that applications will not be ranked if the applicants have been cited for noncompliance under Section 504. The NOFA includes TTY telephone numbers.

- FHEO plans in FY 2001 to issue guidance to all of its field offices on issues relating to the investigation of design and construction complaints under the Fair Housing Act. The Department has also been working with the Department of Justice (DOJ) to bring numerous enforcement actions in this area.
- The Department conducted a nationwide analysis of the progress of our public housing authorities/agencies (PHAs) in:
  - Completing the HUD regulatory requirement to conduct an assessment of the need for accessible dwelling units for persons with disabilities ,
  - Developing a transition plan for meeting those needs,
  - Completing structural changes to provide for program accessibility.

The analysis indicates that most PHAs have completed all three of these requirements, and that HUD has taken affirmative steps to ensure that the remaining PHAs complete each requirement. This includes issuing Corrective Action Orders and Voluntary Compliance Agreements, which track the PHAs' progress. The analysis provides the Department with greater insight into methods to track and monitor compliance with Section 504.

- In its role on the U. S. Access Board, the Department is working with Board members, including the DOJ, to update the Americans with Disabilities Act, the Fair Housing Act Accessibility Guidelines, and the Uniform Federal Accessibility Standards into a single accessibility standard.
- HUD issued its model building codes review final report, which identifies variances between each code and the Fair Housing Act. In an effort to facilitate improved compliance at the local level with the Fair Housing Act's accessibility requirements, HUD reviewed three national model building codes and the draft International Building Code for consistency with the Act's requirements. The Department believes that the efforts on the part of the model code organizations to address accessibility will improve builder compliance by facilitating review of building plans for compliance pre-

construction, at the building permit stage and significantly increase the supply of the accessible housing.

- In partnership with the Department of Justice, the Department has issued joint letters to all of the major building industry organizations and to the State Attorneys General offices to enlist their support and assistance in educating the building industry about the Fair Housing Act accessibility requirements.
- The Department produced a videotape promoting “visibility” in housing, held a nationwide satellite broadcast on the subject, and compiled technical assistance materials on visibility.
- In January 2000, HUD issued a brochure which delineated design strategies for providing accessibility and visibility for HOPE VI and Mixed Finance Homeownership.
- The Department has published numerous technical assistance materials relating to accessibility, including the Fair Housing Accessibility Guidelines, the Fair Housing Act Design Manual, Homes for Everyone, Cost of Accessible Housing, and Residential Remodeling. HUD has also adopted several more (safe harbors) for complying with the Fair Housing Act.
- The Department has been working with disability advocates to address their concerns about the complaint investigation process. This effort has resulted in revisions to the disability-related claim intake/assessment questionnaire. In addition, in 1999, HUD conducted a two-day nationwide satellite broadcast on the revised disability claims questionnaire, to raise the disability sensitivity awareness level of the Department’s intake staff when dealing with persons with disabilities.

# APPENDIX 11

## Neighborhood Networks Accomplishments

During the past year, HUD has made significant progress in expanding Neighborhood Networks (NN) initiatives to enable the residents of HUD housing to gain access to technology and thereby move from welfare to work. These include:

**A. Intra-agency Task Force:** In January, 2000, the Department created an intra-agency NN task force to bring the collective experience of all program areas together in order to expand the NN initiative. Since then, weekly working meetings with representatives from HUD's Office of Multifamily Housing (which launched the NN initiative in 1995), Public and Indian Housing -- including the Office of Native American Programs and HOPE VI -- Welfare-to-Work specialists, Community Planning and Development, Field Policy and Management, and the Office of General Counsel have resulted in program area briefings as well as HUD-wide training, events and initiative development.

The Department conducted a field review of all HUD-sponsored community technology centers and have uploaded that detailed inventory of our centers (many but not all of which have already been designated as NN centers) onto the web at [www.hud.gov/neighborhood networks](http://www.hud.gov/neighborhood_networks) as well as into HUD's Community 2020 Planning Software. The NN Task Force members are currently working to develop HUD-wide technical assistance programs and contracting resources in order to bring national public and private partnerships (described in more detail below) into HUD's existing centers. This involves writing up a new HUD-wide scope of work for the technical assistance contract and meeting with partners to identify specific NNs in which to place deliverables. Plans are underway to train the field staff so that business plans can be reviewed and NN designation conferred upon these community technology centers. It is expected that HUD will meet Secretary Cuomo's goal of opening 1,000 community technology centers by the year 2001.

**B. National Private Sector Partnerships:** As announced by President Clinton during the April, 2000 New Markets tours and Vice President Gore at the June, 2000 Empowerment Zone Conference, HUD has received commitments by several private sector partners to bring resources into NN centers across the country. These include:

1. **America Reads:** America Reads is a grassroots national non-profit challenging every American to help all children learn to read. HUD and America Reads have teamed up to bring instructional materials to NN centers to establish and enhance literacy programs for children.
2. **Andersen Consulting** Andersen Consulting will help HUD expand the NN initiative with funding assistance for the nation's first 10 centers to be opened in Indian Country. The money will help local communities buy computers and other equipment needed for NN centers.
3. **Cisco:** As proposed during President Clinton's recent New Markets Tour, HUD, CISCO and Communities in Schools have agreed to the establishment of the nation's first ten community-based Cisco Networking Academy in non-traditional sites like public and HUD-assisted housing complexes, Empowerment Zones and HUD Neighborhood Network Centers. Secretary Cuomo recently announced that a major faith-based organization, Harlem Congregations for Community Improvement (HCCI), will open one of these sites later this fall. This HUD-CISCO-HCCI academy will train some 120 at-risk young people from 16 to 25 to be cyber-ready, willing and able to compete in the information age.
4. **Coalition of Community Foundations:** The Coalition of Community Foundations for Youth (CCFY) is a network of community foundations dedicated to securing improved conditions for children, youth and families. CCFY works to strengthen the leadership capacity of communities by providing grants, technical assistance and facilitating partnerships between local community groups. Currently, CCFY and HUD are developing outreach materials to encourage and foster collaboration between the state and local community foundation and NN centers nationwide.
5. **HOPE for Kids:** HOPE for kids is a national volunteer organization with a special focus on informing low-income communities on health issues. Several local HOPE for Kids affiliates have also provided general support services to NN centers such as staffing after-school programs, providing toy drives, and volunteering at community events. HOPE for Kids is located in over 75 cities across the country, and has additional programs around the world.
6. **Lightspan:** Lightspan, Inc. will provide educational technology resources to NN centers: inter-active math and reading coursework aligned with state standards along with an on-line English/Spanish Parent and Family Center; parent support systems; and, exercises for instructors, families and kids to become comfortable with technology. To launch this national partnership,

Lightspan will staff 10 NN centers in Hispanic communities to provide hands-on assistance to residents and customize on-line content to their needs.

- 7. National Council On Aging:** Together, HUD and NCOA have a four-fold partnership mission. First, the partners will provide opportunities for mature workers to re-enter the workforce, offer access to software that will help them identify government benefits, increase their incomes, and enhance physical and mental activities. HUD, NCOA, and local workforce development organizations will partner to offer other training programs in NN centers for seniors. Mellon Bank has helped this effort with a demonstration training program in LA and Pittsburgh. Second, the partnership will offer seniors access to "You're Entitled" software. Third, NN centers have been invited to participate as partners in an NCOA program that educates seniors about consumer issues. Finally, the two organizations will explore opportunities within NN centers to provide access to computers/computing services to local community service organizations enrolled as members within NCOA's Vital Aging Network.
- 8. Northpoint Communications:** A new \$2 million partnership agreement with NorthPoint Communications will help local communities bridge the digital divide by providing three years of free broadband DSL access to NN centers. DSL, which stands for Digital Subscriber Line, is a new Internet access technology that uses regular telephone lines to deliver high-speed Internet access. With NorthPoint DSL, NN centers will have Internet access speeds of up to 1.5 Megabytes per second - nearly 25 times faster than the standard 56k dial-up modem found in most centers. Moreover, DSL service attached to a NN center server allows all center computers to access the Internet at high speed, and eliminates the need to purchase separate modems for each computer. In some instances, NorthPoint will work with PowerUp to wire new and refurbished centers.
- 9. PowerUP:** PowerUP - a national initiative launched in November 1999 by more than a dozen non-profit groups, corporations and federal agencies - will provide 200 NN centers with Gateway computers from the Waitt Family Foundation, trained staff from Americorp\*VISTA, free AOL accounts, snacks from PowerBar and interactive online programming provided by the AOL Foundation based on America's Promise's "five promises" identified as essential for children to become successful adults. These 200 NN centers will include 100 in Empowerment Zones and Enterprise Communities across the country.

10. **Technology For All and Enron:** Technology For All (TFA) and Enron will provide 100 NN centers with broadband Internet access and online educational content. TFA is a national non-profit organization with a national technology infrastructure that allows TFA to be an Application Service Provider to local digital divide initiatives throughout the nation. TFA's network infrastructure is empowered through access to the Enron Intelligent Network. Software applications and educational content are shared by agreement through TFA's Digital Library. To participating Technology For All affiliate organizations such as the 100 NN centers, this reduces the cost and technical complexity of continually upgrading software and educational content on individual PCs at computer learning center sites.
11. **ThinkQuest:** ThinkQuest is a program for students ages 12-19 that encourages them to use the Internet to create information-rich Web-based educational tools and materials. The students are eligible for scholarships and awards, and in the process learn collaboration, leadership, and critical thinking skills that help raise their level of education and technological expertise. The NN partnership allows centers to participate in the competition and obtain valuable web design tools.

C. **Clinton-Gore Administration Inter-agency Activities:** HUD has participated in a wide range of Clinton-Gore Administration initiatives aimed at closing the digital divide. Many of these involve bringing members of the federal family together in NN centers across the country. Some examples include:

1. **BPHC Health Services:** HUD, along with the Department of Health and Human Services' Bureau of Primary Health Care (BPHC) and HOPE for Kids (see organization description above), is bringing health services to NN centers so that public and assisted housing residents -- a substantial portion of the approximately 10 million Americans who receive primary health care through BPHC primary care delivery sites nationwide -- can receive health care services and resources. HOPE for Kids, a program of HOPE worldwide, is a 40,000- member volunteer outreach program that educates families about health care issues such as how to sign up for a state's children's health insurance program (SCHIP), childhood and adult immunizations, nutrition, lead poisoning, asthma and HIV/AIDS.
2. **Federal Bureau of Investigation:** The Federal Bureau of Investigation has a working relationship with HUD relative to Neighborhood Networks as part of their community outreach activities. FBI staff are teaching computer literacy to low-income residents at a Section 8, HUD-insured multifamily development. When a resident completes the FBI's part of the training, they can use the FBI as a reference on their personal resume. As a

continuation of this relationship with HUD, the FBI Headquarters Community Outreach staff have announced they will hire some graduates of Neighborhood Network Centers in their welfare to work initiative, as long as they meet the FBI's criteria for new employees. HUD is working on a MOU with the FBI for national implementation of this relationship.

- 3. Hispanic Outreach:** As announced by President Clinton at the June 2000 White House Hispanic Education Strategy Summit, HUD's partnership with HHS and the White House Initiative on Hispanic Educational Excellence will provide English and Spanish language materials and educational forums to parents of young children through NN centers in six locations with emerging underserved Latino populations. Those locations are: Washington, DC (opened July 27, 2000); Holyoke, MA; Yakima Valley, WA; Tampa, FL; Albuquerque, NM; and the border cities of Sioux City, Iowa and Nebraska. Parents will receive information on early brain development research, parenting tips, Head Start, how to access child care subsidies and tax credits, how to choose a child care center, and other family support services. HUD will provide bilingual information and services that direct Hispanic families to early childhood programs and provide HUD information on housing issues.
- 4. NASA Webchats:** HUD and NASA have teamed up to present a series of webchats that bring astronauts together with HUD residents in NN centers. Together, the two agencies are striving to bring technology and science to public housing's youth. Events encourage children living in public housing communities to pursue math and science careers, and reach for the stars. The most recent NASA webchat was held on July 25, 2000.
- 5. Native eDGE:** Native eDGE (Native economic Development, Guidance, and Empowerment) is a Federal inter-agency partnership for a comprehensive Native American economic development access center. As announced by President Clinton and Secretary Cuomo during their April 2000 New Markets Tour visit to Shiprock, New Mexico, the NativeEdge access center consists of a toll-free technical assistance call center, interactive website, information and resource exchange, and publications distribution clearinghouse. Staffed by economic development professionals, Native eDGE provides tribes, American Indian entrepreneurs and businesses desiring to locate enterprises near or within American Indian communities a "One-Stop

Shop" to access resources from over 12 Federal agencies. This information can be obtained from one location instead of the client contacting all

agencies separately. For more information, please contact  
(<http://nativeedge.hud.gov>)

- D. Expansion of NNs into HOPE VI sites:** HUD has included NNs in new HOPE VI grants and existing HOPE VI developments. In addition, NNs were incorporated directly into the HOPE VI program SuperNOFA application. As of June 30, 2000, 100 percent of all 30 HOPE VI communities with computer learning centers have received the NN designation. Of the remaining 94 HOPE VI grantees still in various stages of development, 77 have current plans to establish computer technology centers, and therefore become NN centers. The remaining 17 grantees will modify their plans in order to establish computer centers, thus bringing NNs into each and every HOPE VI community.
- E. Providing Technical Assistance to Ensure Cutting Edge Operations:** The Office of Public Housing Investments (OPHI) will expend one million dollars (\$1,000,000) to provide technical assistance for non-HOPE VI sites to set up new NN computer technology centers and to link centers so that residents can interact on common issues. Strategies to share and disseminate information may include online networking, conferencing, and including sites in NN publications, workshops and conferences. An analysis of hardwiring alternatives which public housing authorities will consider when developing or modernizing both HOPE VI and other housing authority developments will yield a template for efficient and cost effective technological infrastructure installation, including providing high speed, broadband Internet access to public housing residents.
- F. National Neighborhood Networks Week -- October 14-20,2000:** Modeled after national Homeownership Week, National Neighborhood Networks Week will give HUD a chance to announce that it has reached its goal of establishing over 1,000 community technology centers, and to showcase the work being done to help residents transform their lives. Neighborhood Networks centers will be encouraged to plan a special activity on **Saturday, October 14, 2000** followed by participation in national webchats throughout the week. Guests will include center residents and staff, HUD staff and partners. The media will be invited to this and all other events throughout the week; each center can provide a schedule of events, such as nationally webcast talks with NASA astronauts, athletes and other luminaries.
- G. Neighborhood Networks Bulletin -see next page.**

## APPENDIX 12

### BEST PRACTICES SUCCESS STORIES

## **San Juan, Puerto Rico**

### **Disability Accessible Recreation Center Benefits 20,000**

The Municipality of Hormigueros, developed a comprehensive idea for planning, design and construction of a recreation and sports complex for low- and moderate-income families, including the elderly and persons with disabilities. Planned activities carried out under this project included the acquisition of land, plans and design of the project, and construction of facilities. The project, which demonstrates enforcement of Section 504 of the Rehabilitation Act of 1973, also promotes job opportunities in the area, economic development and the use and benefits of recreation facilities by disabled residents. This project was as a result of a partnership with various agencies such as Recreation and Sports Department of Puerto Rico, the Municipality of Homigueros, and other municipalities, and the Office of the Commissioner of Municipal Affairs. As a result of the project, the economic based of the community was strengthened and several obstacles of the disabled population were overcome. The recreation center has benefited more than 20,000 people.

## **Atlanta, Georgia**

### **Disabled Dealer Magazine of Georgia**

Disabled Dealer Magazine is a monthly publication dedicated to improving the lives of the disabled, their friends and families and promoting public awareness. It features houses that are handicap-accessible and articles on conventions, seminars, **employment** and other issues of special interest. The focus is to help the disabled participate fully in society. For three years, the magazine has collaborated with organizations to present a three-day international conference, The World Congress & Exposition on Disabilities.

## **Hattiesburg, Mississippi**

### **Mississippi Home of Your Own: A Program of Disability Studies at the University of Southern Mississippi**

Home of Your Own (HOYO) a program of the Institute for Disability Studies, Southern Mississippi University Affiliated Program, helps individuals with disabilities realize the dream of homeownership through a broad range of support services and assistance. The mission of the Institute for Disability Studies, which has existed in varying forms at the University of Southern Mississippi since 1975, is to have a positive impact on the lives of persons with disabilities so that they may be more independent, more productive and more included in their communities. Services include education, recreation, vocational rehabilitation, employment and independent living. HOYO uses a holistic and collaborative counseling process that empowers low-income people with disabilities.

**Shreveport, Louisiana**  
**Community Support Programs, Inc.**

The core mission of Community Support Programs (CSP), a private nonprofit organization, is to provide individualized services and foster independence, resulting in programs designed to fit the individual. Through its programs, CSP seeks to insure self-reliance for the mentally ill homeless, for adoptive and foster families and those in danger of having their children removed from home. For ten years CSP's Crossroads program has provided 45 day emergency shelter for homeless (or those at risk of becoming homeless) chronically mentally ill adults. Participants receive room and board, medication education and monitoring, skills training in daily living and linkages to available housing, jobs and other community resources and support.

**Ormond Beach, Florida**  
**Forum 2000, Dialogue on Disabilities**

The Forum 2000 Dialogue on Disabilities - modeled after a trade fair show - serves as a one-stop shop for disabled people and facilitates the distribution of valuable information to the community. It is the second annual event sponsored by Handicapped Adults of Volusia County (HAVOC). Two years ago HAVOC recognized a need in the community to help educate disabled individuals and their families about public and private services such as housing, education, durable medical equipment, employment opportunities and public assistance available to them in the Volusia and Flagler county areas. As a result, public and private organizations hold booths at the forum. They display information about the services they provide and answer questions from the general public. More than 40 agencies set up information booths at previous forums, and breakout seminars were held in a separate room in which agency representatives made individual presentations about their organization to attendees.

**Wilmington, Delaware**  
**Neighborhood Network Computer Center**

The Terry Apartments, a housing development in Wilmington, Delaware for the elderly and non-elderly persons with disabilities, established a Neighborhood Network Computer Center in September, 1999, out of a partnership among HUD,

the Interstate Realty Company, and the University of Delaware. Through a Memorandum of Understanding between HUD and the University of Delaware, graduate students are helping train residents with disabilities on general computer skills and how to use the Internet for job searches and other purposes.

## **Activities of the Community Builders and Best Practices**

Community Builders throughout the nation participated in more than 50 outreach efforts targeted specifically to assist disabled Americans. The outreach efforts range from fair housing fairs, home buying events, forums on and about HUD's programs aimed at preventing and ending homelessness, increasing the homeownership rate for underserved populations such as persons with disabilities, and special efforts to provide employment to persons with disabilities. Also, there are nearly as many efforts by Community Builders that are still in the planning and implementation stages. Below are examples of some of the Best Practices in the area of employing persons with disabilities.

### **Community Builders Work with Others to Spread the Word About Self Employment Opportunities for Persons with Disabilities**

#### **Phoenix, AZ**

Community Builders in the Arizona State Office, joined the President's Committee on Employment of People with Disabilities (PCEPD), state and federal offices such as the Arizona Rehabilitation Services Administration (RSA), U.S. Small Business Administration (SBA), Social Security Administration (SSA) and the U.S. Department of Veterans Affairs (VA) in sponsoring a one-day workshop to make providers of services to disabled persons aware of the administration's effort and other self-help employment opportunities for people with disabilities.

The sessions attracted 100 resource providers interested in learning about self employment opportunities for people with disabilities. Phoenix has been selected as one of ten sites for the nationwide program oriented to promoting entrepreneurial opportunities for persons with disabilities

#### **Boston, MA**

More than two hundred agencies and individuals with disabilities participated in a similar President's Committee on Employment of People with Disabilities (PCEPD) event sponsored by the Community Builders and other state and Federal partners in Boston. The Boston Office has organized follow-up sessions with faith-based organizations and provider groups who expressed interest in specific entrepreneurial activities for persons with disabilities.

#### **Louisville, KY**

Career Visions is a non-profit employment training provider working with visually impaired low and moderate-income persons. Career Visions trains its clients to

become independent and gainfully employed. The organization is in need of about 12,000 square feet of space to accommodate its current workload and to allow for some expansion. The Community Builders in the Louisville Office are trying to help Career Vision build capacity and undertake the acquisition of the needed space, increase its fund raising opportunities and convene meetings with public, private and community based development agencies. In addition to HUD, another local partner involved is the Community Reinvestment Act staff for Bank One. The Louisville Office will continue to assist this organization with its mission.

### **Albuquerque, NM**

Two Community Builders in the Albuquerque, NM office have been working very closely with “Project Succeed” to help disabled residents in Albuquerque and Roswell find jobs. Project Succeed assists disabled persons receiving funding from Social Security move from dependency on public assistance to independence and self sufficiency through employment.

The Community Builders not only work directly with the agency but with a coalition of partners including the New Mexico Departments of Health, Vocational Rehabilitation, Human Services and Medical Assistance. The Social Security Administration is the Federal partner.

### **Bridging the Technology Divide to Help Persons with Disabilities Find Jobs**

#### **Wilmington, DE**

The HUD Delaware Office was involved in the establishment of two Neighborhood Network Centers at housing developments for the elderly and persons with disabilities. The partners in this effort included HUD Multifamily housing staff, Interstate Realty Company, Luther Housing and the University of Delaware. The Delaware Community Builder Office entered into an MOU (Memorandum of Understanding) with the University of Delaware to teach computer and Internet skills for job enhancement and placement. Several of the residents with disabilities are now using the instruction to prepare resumes, to learn to use and upgrade computer skills and access job placement and classified ads through the Internet.

#### **Providence, RI**

The Community Builders in the Providence, RI office worked with the Multifamily Housing staff, and the management company of the Wentworth Apartments to establish

a Neighborhood Network Center. Wentworth Apartments is a HUD Section 811 project for persons with chronic mental illness. The Center provides job readiness computer training by instructing residents in basic program applications. For residents not currently on the employment track, the Center serves as an educational resource by providing Internet access and web based learning opportunities.

Specifically, the Community Builders provided guidance to the project sponsor regarding the requirements for Neighborhood Network plan approval.

The Wentworth Neighborhood Network Center will serve as a model for other mental health providers interested in providing employment or educational opportunities to persons with disabilities.

### **Some Community Builder Accomplishments in Meeting Housing Needs of People with Disabilities**

#### **Milwaukee, WI**

##### **Wisconsin Homeownership for People with Disabilities Collaborative Initiative**

The Wisconsin Field Office partnered with EBTIDE, Inc., a non-profit group, and the State of Wisconsin to establish the Wisconsin Homeownership for People with Disabilities Collaborative Initiative. This public/private community based effort is a multi-agency statewide project to create homeownership opportunities for low-income persons with disabilities. There are nearly a dozen partners, including the Fannie Mae Corporation, several public housing authorities and the Federal Home Loan Bank of Chicago. As of June 2000, five home buyers with disabilities had become homeowners using the funding products and strategies developed by the collaborative.

The collaborative is also working closely with the Wisconsin Manufactured Housing Association to create special initiatives to increase financial support for home buyers who wish to purchase newly constructed manufactured housing that is affordable and handicap-accessible.

This effort was awarded a HUD Best Practice 2000 Award.

## **Indianapolis, IN**

### **Back Home in Indiana: Homeownership for People with Disabilities**

Back Home in Indiana (BHII) works throughout the state to assist people with disabilities to realize the American dream of homeownership. People with disabilities are significantly underrepresented as homeowners because of limited income (in most cases), need for modification to the home or need for supportive services. BHII establishes teams of providers of housing and supportive services in selected areas of the state to work with people with disabilities.

To date, one person with disabilities has become a homeowner, two are working with Habitat for Humanity to become homeowners and three others are at various stages of purchasing a home.

Each potential homeowner with a disability is considered individually, and the person's needs are addressed by structuring a program that will facilitate the home buying process. For example, the one person who has become a homeowner did so by receiving various assistance as a result of BHII's efforts:

- BHII coordinated the team assisting the homeowner;
- The Indianapolis Neighborhood Housing Partnership provided homeownership counseling, secured a loan at one percent below conventional rates and provided \$5,000 in down payment and closing cost assistance.
- The Indiana Department of Vocational Rehabilitation provided about \$3,000 for modifications to make the property accessible to the home buyer.
- A friend of the home buyer built a temporary ramp.

Organizations across the country can easily assemble similar teams of housing and support services providers and organizations serving people with disabilities to help foster homeownership.

This project was one of the 100 National Winners of the Best Practices 2000 Award.

## **Kansas City, KS**

### **Greater Kansas City Housing Coalition for the Disabled**

The Community Builders in the Kansas Office were the catalyst for the formation of the Greater Kansas City Housing Coalition for the Disabled. The organization is profiling the housing crisis for the disabled in the area and is developing and advocating

innovative solutions to address the crisis. The group is currently reviewing national best practices in disability housing assistance as it puts together a tool kit of programs and ideas.

The coalition meets monthly and there are various sub groups working on special assignments.

## **Pittsburgh, PA**

### **RAMP Helps Disabled Pittsburgh Residents Access Housing**

The Pittsburgh, PA Community Builder team has maintained an on-going working partnership with the Realtors Association of Metropolitan Pittsburgh (RAMP). The Community Builders are an active partners on the RAMP Equal Opportunity and Cultural Diversity Committee. The CB's role is to provide assistance and support on Fair Housing initiatives.

The Pittsburgh Office was instrumental in encouraging RAMP to coordinate, host and sponsor a training program on housing resources for persons with disabilities. The training program was designed to educate real estate brokers, managers and sales associates on homeownership and housing rehabilitation finance programs for persons with disabilities. The program also included a training segment on identifying, promoting and advertising accessibility features when listing single-family properties for sale. A newly designed Property Access Questionnaire for Physical Access was introduced as part of the training program.

Also, this partnership has plans to implement what it calls the "Accessible Features in Residential Property" project, which promotes and encourages listing agents to list accessible features when listing a single-family property for sale. An "accessible feature" logo and/or advertising banner will be used when listing single family property for sale that has one or more accessible features.

## **I. Initiatives for 2001**

**The following initiatives presented as Issues and Strategies in HUD's 1999 Report to the Presidential Commission could not be implemented in FY 2000 because of budgetary constraints, requirements for new legislation, need for additional time to complete and implement the strategy and conflicting priorities. The Initiatives will be addressed in 2001 or 2002.**

### **Issue #4: Increased Homeownership Rate**

Strategy 6. In conjunction with the PTFEAD, work with the U.S. Bureau of Census and disability advocacy groups to determine reliable ways of measuring the homeownership rate among persons with disabilities. Encourage the U.S. Bureau of Census to collect this data.

**This strategy will be addressed in 2001.**

### **Issue #5: Employment by Program Recipients**

Strategy 1. By end of FY 2000, given available resources, seek to develop a series of videotape training modules on employment of adults with disabilities that is directed to HUD recipients and others, such as lenders and contractors that participate in HUD programs. The videotapes should be suitable for use in HUD-sponsored training in each of HUD's major programs.

Strategy 2. Identify and inform HUD recipients of the Federal tax incentives for removing architectural barriers and employing people with disabilities.

**Strategies 1 and 2 will be addressed in FY 2001.**

Strategy 4. Encourage non-profit (advocacy) groups representing persons with disabilities to establish a program to review the employment policies and practices and provide awards of recognition for going beyond nondiscrimination in housing related industries. Awards could be given to lenders, real estate firms, closing agents, title companies, developers, appraisal firms, inspection firms management agents etc.

**This strategy will be addressed in FY 2001.**

Strategy 5. Publicize these awards on HUD's website, in brochures, and other promotional tools.

**This strategy will be addressed in FY 2001.**

#### **Issue #6: Data on Secondary Employment**

Strategy 1. In conjunction with the PTFEAD and other grant-making agencies, explore this issue with the Office of Management and Budget. Help develop a proposal that will allow HUD to assess the extent to which persons with disabilities receive jobs through HUD's workforce development initiatives and other HUD program-generated training and employment.

Strategy 2. Gather information regarding recipients' employment of adults with disabilities as part of the FY 2000 Compliance and Monitoring Initiative.

**Strategies 1 and 2 will be addressed in FY 2001.**

#### **Issue #7: Focus Work Force Development Initiatives**

Strategy 3. Explore the feasibility of collecting data regarding the number of employable persons with disabilities living in public housing.

**This strategy will be addressed in FY 2001.**

Strategy 4. Encourage program administrators of work force development programs to conduct special outreach to eligible participants with disabilities.

**This strategy will be addressed in FY 2001.**

#### **Issue #10: Employment in Targeted Programs**

Strategy 3. Consider providing additional points in the evaluation and selection process for the Housing Counseling program to applicants who hired adults with disabilities or make specific outreach efforts to this constituency.

**This strategy will be implemented in FY 2001.**

Strategy 5. Determine the suitability of requiring organizations applying for the Section 202 program to address the potential employment needs of their prospective residents in their application for funding.

**This strategy will be implemented in FY 2001.**

### **Issue #11: Accessibility of HUD Programs**

Strategy 6. By the end of FY 2002, ensure that the Department's most frequently requested documents are available in accessible formats, particularly those related to fair housing and disability rights, but also those that relate to HUD's programs and services.

**This strategy will be completed in 2002.**

### **Issue #12: HUD Self-Evaluation under Section 504**

Strategy 1. By March 2001 develop a written action plan for completion of the Section 504 Self-Evaluation. The Action Plan will list activities with timelines. The Action Plan will also include an estimate of resources necessary to complete the self-evaluation.

Strategy 2. Seek the assistance/guidance of the PTFEAD in securing additional resources to complete the self-evaluation.

Strategy 3. Complete the Self-Evaluation by March 2002.

**All three strategies will be addressed in FY 2001/2002.**

### **Issue 16: Self-employment-HUD Contracting Opportunities**

Strategy 4. Explore ways in which HUD can use the Empowerment Zones/ Enterprise Communities Initiative and HUD's Section 3 Program to increase self-employment for persons with disabilities.

**This strategy will be addressed in FY 2001.**

## **II. NEW INITIATIVES**

### **1 - HUD Employment - Management and Staff Education**

Many supervisors and staff are unaware of HUD's policies and procedures on reasonable accommodations and sensitivity to employees with disabilities.

The Department will develop a Headquarters position to coordinate disability related activities; to educate management and staff; and to assist managers and employees in the field and Headquarters to resolve disability issues. He/She would be responsible for developing information sources to keep management and staff abreast of the latest information, requirements, activities and accomplishments relating to disability issues. He/She would assist in resolving issues between management and staff and would act to accelerate reasonable accommodation requests.

#### **Strategies:**

- Designate the Office of Disability Policy as the responsible Office for monitoring Section(s) 504/508 and ADA requirements by February 2001.
- Assign appropriate staff resources to meet the Office of Disability Policy responsibilities by March 2001
- Develop monitoring procedures by April 2001.
- Report to the Departmental Working Group; the Secretary and Deputy Secretary on a quarterly basis.

### **2 - HUD Employment - Monitoring**

It is HUD's intent to work closely with the Office of Administration to monitor the implementation of Executive Order 13163, "Increasing the Number of Individuals with Disabilities Employed in the Federal Government", to ensure that the Department meets or exceeds its targets.

#### **Strategies:**

- Human Resources staff will monitor the implementation of the Executive Order and report to the Office of Disability Policy.
- Report status to the Secretary, Deputy Secretary, and Departmental Working Group on a quarterly basis.

### **3 - HUD Employment - Accessibility of Facilities and Technology**

It is HUD's commitment to meet the requirements of Section 508 of the Rehabilitation Act of 1973.

**Strategies:**

- The Chief Information Officer and the Office of Information Technology will appoint a staff person to oversee Section 508 activities by February 2001.
- The office of Administrative Management Service (OAMS) will appoint a staff person to oversee accessibility to facilities and coordinate accessibility to field offices.
- Develop an action plan, with priorities and timeframes to assure that HUD meets all the requirements for accessibility under Section 508 by March 2001.
- Report status of activities and accomplishments to the Office of Disability Policy, and the Departmental Working Group on a quarterly basis.

**4 - HUD Self-Evaluation under Section 504**

Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR 9 specifically pertain to HUD-conducted programs and activities. The Department is required on a nationwide basis to conduct a self-evaluation by evaluating its current policies and practices. The evaluation will check the effects of those policies and practices including regulations, handbooks, notices, and other written guidance to see if any do not meet the requirements of Part 9. For any deficiencies found, the Department must to take the necessary corrective actions.

In June 1994, HUD issued its rule at 24 CFR Part 9 implementing its Federally conducted obligations. This rule specified that this self-evaluation would be completed by 1995. The evaluation is to cover accessibility of HUD offices where programs and activities are provided. A major effort in this evaluation will be the examination of HUD program regulations.

The Department, in consultation with the Presidential Task Force, will devise an action plan that prioritizes activities during FY 2001 and beyond and sets timeframes to undertake HUD's Self-Evaluation under Section 504.

**Strategies:**

- The Office of Disability Policy: Develop an action plan, set priorities and timeframes for implementing HUD's Self-Evaluation under Section 504 by April 2001.
- Begin to implement the first phase of the action plan by June 2001.
- Meet all timeframes as dictated by the action plan.
- Designate appropriate field staff as the Disability Coordinator for field offices.
- Report status to the Departmental Working Group on a quarterly basis.

**5 - Continue the Departmental Working Group to develop the FY 2001 Report to the Presidential Task Force.**

**Strategies:**

- Designate a Chair of the Departmental Working Group by January 2001. The Chair will work closely with the Secretary and Deputy Secretary to organize a working group, which will be responsible for completing the 2001 Report to the Presidential Task Force.
- Appoint members of the Departmental Working Group by February 2001.
- Develop operating procedures for the group by March, 2001.
- Complete Report 2001 by September 30, 2001.

**6 - President's Fair Housing Council**

The Secretary of Housing and Urban Development is authorized by Executive Order 12892 to chair the 15 member President's Fair Housing Council.

**Strategies:**

- Develop an action plan to implement the Executive Order by Feb, 2001.
- Schedule staff meetings with other federal Agencies.
- Convene the President's Fair Housing Council in 2001 to explore a range of fair housing issues including better ways to link fair housing to improved employment opportunities for adults with disabilities.
- HUD will seek the assistance and guidance of the President's Task Force to achieve this goal.
- Report to the Departmental Working Group on a quarterly basis.

**7 - Federal Initiative - Employment**

Under the direction of and with the assistance of the Presidential Task Force on the Employment of Adults with Disabilities, The Department(s) of Housing and Urban Development (HUD), Transportation (DOT) and Labor (DOL) will develop a series of initiatives to enhance opportunities that result in greater employment opportunities for adults with disabilities.

**Strategies:**

- HUD, DOL, DOT will appoint a staff contact to work with the PTFEAD to develop and further this initiative.

- HUD, DOL, DOT will combine automated systems and technologies, where appropriate, that will be the basis for the development of programs that further employment opportunities in the inner city and rural communities.
- Develop and test programs in the inner cities and rural communities that links housing, employment opportunities and accessible transportation.
- The PTFEAD in conjunction with HUD, DOL, DOT will report on the progress of this initiative to the Chair of the Presidential Task Force.

## ACKNOWLEDGMENTS

**This Report was truly a Departmental effort. HUD staff mentioned below all played a significant role in developing and producing this substantive Report. Staff from all Program Offices, Administration, and the field provided the information and the direction incorporated in the Report.**

**The Department and the HUD Working Group has shown its deep commitment to increasing employment opportunities and ensuring access to HUD programs for adults with disabilities.**

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### **Special Acknowledgments**

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Eva M. Plaza, Assistant Secretary for Fair Housing and Equal Opportunity  
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