



DEPARTMENT OF  
**HOUSING**



# CDBG-DR

## FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO) POLICY FOR CDBG-DR/MIT PROGRAMS

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PUERTO RICO DEPARTMENT OF HOUSING  
CDBG-DR/MIT PROGRAM  
**FAIR HOUSING AND EQUAL OPPORTUNITY FOR ALL CDBG DR PROGRAMS**  
VERSION CONTROL

<b>VERSION NUMBER</b>	<b>DATE REVISED</b>	<b>DESCRIPTION OF REVISIONS</b>
1	July 29, 2020	Original Version
2	September 08, 2022	Included CDBG-MIT Program applicability; Revised applicable laws regarding FHEO; Revised Section 5 to clarify roles, requirements, and responsibilities; Minor edits through document. All changes highlighted in grey.

## Table of Contents

<b>1</b>	<b>Overview</b> .....	<b>5</b>
1.1	Policy Objective .....	5
1.2	Federal Laws and Regulations .....	5
1.3	Puerto Rico Laws and Regulations .....	9
<b>2</b>	<b>Definitions</b> .....	<b>11</b>
<b>3</b>	<b>Affirmative Marketing</b> .....	<b>15</b>
3.1	Applicability .....	16
3.2	Affirmative Fair Housing Marketing (AFHM) Plan .....	17
<b>4</b>	<b>Limited English Proficiency and Language Access Plan</b> .....	<b>20</b>
<b>5</b>	<b>Fair Housing, Equal Opportunity, and Civil Rights Responsibilities</b> .....	<b>20</b>
5.1	Nondiscrimination of Program Participants .....	20
5.2	Discrimination Complaints .....	24
5.3	Affirmatively Furthering Fair Housing .....	27
5.4	Reasonable Accommodation Policy .....	28
5.5	Equal Employment Policies .....	29
5.6	Reporting and Recordkeeping .....	31
5.7	Communication .....	34
<b>6</b>	<b>Program or Contract Closeout and Monitoring</b> .....	<b>37</b>
<b>7</b>	<b>Appendixes</b> .....	<b>38</b>
	<b>Appendix 1: Model Contract Policy of Nondiscrimination</b> .....	<b>38</b>
	<b>Appendix 2: Nondiscrimination in Subrecipient Agreements</b> .....	<b>39</b>
	<b>Appendix 3: Equal Housing Opportunity Documentation</b> .....	<b>43</b>
	<b>Appendix 4: Equal Employment Opportunity Documentation</b> .....	<b>43</b>

# 1 Overview

## 1.1 Policy Objective

The Fair Housing and Equal Opportunity Policy (**FHEO Policy**) ~~has been~~ was developed for the Community Development Block Grant- Disaster Recovery (**CDBG-DR**) and Community Development Block Grant- Mitigation (**CDBG-MIT**) programs including those within Housing, Economic Recovery, Planning, Infrastructure, and Multisector portfolios. Each section below will refer to the applicable program areas.

As a grantee, the Puerto Rico Department of Housing (**PRDOH**), ~~as grantee,~~ is committed to ensuring that its programs affirmatively further access to fair housing. ~~Including and that~~ its policies and procedures ~~does~~ not deny any individuals the opportunity to participate in, access, or benefit from the programs and activities carried out as part of the CDBG-DR/MIT Programs.

The ~~is~~ FHEO Policy describes requirements and protocols ~~that have the goal of ensuring to ensure~~ all CDBG-DR/MIT programs affirmatively further fair housing and promote equal opportunity to all individuals to participate in and benefit from these programs, both as ~~program~~ beneficiaries and as employees working to support these programs.

PRDOH, as grantee, and its subrecipients, contractors, and other program participants will ensure ~~that~~ CDBG-DR/MIT activities are conducted in a manner ~~that~~ ~~which~~ will not cause discrimination ~~based on the basis of~~ race, creed, color, national origin, religion, sex, disability, familial status, gender identity, sexual orientation, marital status, or age.

The FHEO Policy describes the requirements for PRDOH, subrecipients, and contractors. ~~It, as well as~~ provides guidance for how ~~they~~ ~~to~~ ~~will~~ apply this Policy to Housing, Economic Recovery, Planning, Infrastructure, and Multisector programs and activities. As such, PRDOH, ~~as grantee,~~ and its subrecipients, contractors, and other program participants must comply with the following federal and commonwealth laws and regulations.

## 1.2 Federal Laws and Regulations

Executive Order, Law, or Statute	Description
<p><b>Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.</b></p>	<p>No person shall be excluded from participation, denied program benefits, or subjected to discrimination under any program receiving federal funding on the basis of:</p> <ol style="list-style-type: none"> <li>1. Race,</li> <li>2. Color, or</li> <li>3. National Origin.</li> </ol> <p>Establishes that a federal funds recipient found in violation of this Title may lose that funding.</p>

<p><b>Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701u</b></p>	<p>To the greatest extent feasible, employment and other economic opportunities, should be directed to:</p> <ol style="list-style-type: none"> <li>1. Low and very low-income persons, particularly those who are recipients of government assistance for housing, and</li> <li>2. Business concerns which provide economic opportunities to low and very low-income persons.</li> </ol>
<p><b>Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act), 42 U.S.C. § 3601, et seq.</b></p>	<p>Prohibits discrimination in the sale, rental, and financing of housing, and in other housing-related activities on the basis of:</p> <ol style="list-style-type: none"> <li>1. Race,</li> <li>2. Color,</li> <li>3. Religion,</li> <li>4. Sex,</li> <li>5. Familial Status,<sup>1</sup></li> <li>6. National Origin, or</li> <li>7. Disability.</li> </ol> <p>Requires HUD and its grantees to administer its programs in a manner that affirmatively furthers fair housing.</p>
<p><b>Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, et seq.</b></p>	<p>No otherwise qualified individual shall, solely, by reason of their disability, be:</p> <ol style="list-style-type: none"> <li>1. Excluded from participation in (including employment),</li> <li>2. Denied program benefits of, or</li> <li>3. Subjected to discrimination under any program receiving federal funding assistance. Section 504 also contains accessibility requirements for housing and non-housing facilities, as well as for the provision of reasonable accommodations.</li> </ol>
<p><b>Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101, et seq.</b></p>	<p><u>Title I</u>: Prohibits private employers, state/local governments, employment agencies, and unions from discriminating against qualified individuals with disabilities; applies to employers with 15 or more employees.</p> <p><u>Title II</u>: Prohibits all public entities from, on the basis of disability, excluding participation in, or denying the benefits of its services, programs, and activities, or otherwise discriminating against persons with disabilities.</p>

<sup>1</sup> Exceptions exist for housing covered under the Housing for Older Persons Act of 1995, 42 U.S.C. § 3607(b).

	<p><u>Title III</u>: Prohibits discrimination on the basis of disability in places of public accommodation (publicly and privately owned); requires compliance with ADA Standards for new construction and alterations to places of public accommodation and commercial facilities.<sup>2</sup></p>
<p style="text-align: center;"><b>Section 109 of the Housing and Community Development Act of 1974 (HCDA), as amended, 42 U.S.C. § 5309</b></p>	<p>For any program or activity funded in whole or in part with funds made available under this Act, no person shall be excluded from participation in, be denied the benefits of, or subjected to discrimination based on:</p> <ol style="list-style-type: none"> <li>1. Race,</li> <li>2. Color,</li> <li>3. National Origin,</li> <li>4. Religion,</li> <li>5. Sex</li> <li>6. Age<sup>3</sup></li> <li>7. Disability<sup>4</sup></li> </ol> <p>Charges HUD with enforcement related to discrimination covered by this Section.</p>
<p style="text-align: center;"><b>Housing for Older Persons Act of 1995 (HOPA), Pub. L. 104-76</b></p>	<p>Provides an exemption from the Fair Housing Act, as amended, for three types of housing that primarily serve "older persons" as defined at 42 U.S.C. § 3607(b) and requires appropriate policies, procedures, and occupancy verification in order to comply with the Act.</p>
<p style="text-align: center;"><b>Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, et seq.</b></p>	<p>No person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age.</p>
<p style="text-align: center;"><b>Violence Against Women Act of 1994 (VAWA 1994) as part of the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12291, et seq.<sup>5</sup></b></p>	<p>An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or</p>

<sup>2</sup> Because PRDOH is a recipient of federal CDBG-DR and CDBG-MIT funds, Section 504 accessibility requirements apply to its programs and activities involving construction, housing, and non-housing facilities. However, HUD's Deeming Notice (79 FR 29671) allows for the choice, with some exceptions, of using 2010 ADA Standards instead of the Uniform Federal Accessibility Standards (UFAS) to comply with Section 504.

<sup>3</sup> As provided by the Age Discrimination Act of 1975, 42 U.S.C. § 6101, et seq.

<sup>4</sup> As provided in 29 U.S.C § 794.

<sup>5</sup> The protections and provisions afforded by the 1994 legislation were subsequently expanded and improved in the Violence Against Women Act of 2000 (VAWA 2000) and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005).

	stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.
<b>Architectural Barriers Act of 1968, 42 U.S.C. § 4151, et seq.</b>	Requires that certain federally funded buildings be designed, constructed, or altered in accordance with Uniform Federal Accessibility Standards (UFAS). Standards that ensure accessibility for persons with physical disabilities.
<b>Executive Order No. 11063 (1962), Federal Register, Vol. 27, No. 228, p.11527, 27 FR 11527 (November 24, 1962)</b>	Prohibits discrimination based on race, color, religion, sex, or national origin in the sale, rental, leasing, or other disposition of residential property and related facilities owned, operated, or funded by HUD. Also applies to lending that relates to loans insured, guaranteed, or purchased by HUD.
<b>Executive Order No. 11246 (1965), Federal Register, Vol. 30, No. 187, p. 12319, 30 FR 12319 (September 28, 1965) as amended by Executive Order No. 11375 (1967), Federal Register, Vol. 32, No. 201, p. 14303, 32 FR 14303 (October 17, 1967)</b>	No person shall be discriminated against, on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin in any phase of employment during the performance of federal or federally assisted construction contracts for contractors and subcontractors who perform in excess of \$10,000 in federally funded contracts in a year. Also includes affirmative action requirements and prohibitions against certain adverse actions against applicants and employees by contractors.
<b>Executive Order No. 12892 (1994), Federal Register, Vol. 59, No. 13, p. 2939, 59 FR 2939 (January 20, 1994)</b>	Requires federal agencies to affirmatively further fair housing in their programs and activities and establishes that the Secretary of HUD will be responsible for coordinating the effort.
<b>Executive Order No. 13166 (2000), Federal Register, Vol. 65, No. 159, p. 50121, 65 FR 50121, (August 11, 2000)</b>	Requires each federal agency to take steps to ensure that eligible persons with limited English proficiency are provided meaningful access to all federally assisted and federally conducted programs and activities.
<b>Executive Order No. 12898 (1994), Federal Register Vol. 59, No. 32, p. 7629, 59 FR 7629 (February 11, 1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</b>	Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.



<p><b>Executive Order No. 13988 (2021), Federal Register Vol. 86, No. 14, p. 7023, 86 FR 7023 (January 20, 2021), Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation</b></p>	<p>Directs all agencies, including HUD, to administer and enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity. The Executive Order also directs any federal agency with protections against discrimination based on sex to interpret those statutes to also protect against discrimination based on sexual orientation, gender identity and gender expression.</p>
<p><b>General HUD Program Requirements: Equal Access to HUD-assisted or Insured Housing (24 C.F.R. § 5.106)</b></p>	<p>Prohibits discrimination by recipients and subrecipients of CDBG funds, as well as owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by CDBG funds, against individuals based on gender identity</p>
<p><b>Equal Employment Opportunity Act of 1972, Pub. L. 92-261</b></p>	<p>This Act empowers the Equal Employment Opportunity Commission (<b>EEOC</b>) to bring civil action in Federal court against private sector employers after the EEOC has investigated the charge, found “probable cause” of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings Federal, State, and local governments under the Civil Rights Act of 1964.</p>

### 1.3 Puerto Rico Laws and Regulations

Executive Order, Law, or Statute	Description
<p><b>Act No. 131 of May 13, 1943, 1 L.P.R.A. § 13, known as the “Puerto Rico Civil Rights Act” – Discrimination in Public Places, Businesses, Transportation, and Housing</b></p>	<p>No person shall be denied access, service, or equal treatment in public places, businesses, or housing because of politics, religion, race, color, or sex. Nor shall any person be denied a construction loan due to an individual’s political or religious beliefs, their race, color, or sex.</p>
<p><b>Act No. 238-2004, as amended, 1 L.P.R.A. § 512, et seq., known as the “Bill of Rights of Persons with Disabilities”</b></p>	<p>Persons with disabilities are entitled to all rights, benefits, responsibilities, and privileges on equal terms with those of persons without disabilities and are entitled to housing adapted to their needs.</p>
<p><b>Constitution of the Commonwealth of Puerto Rico-1952, 1 L.P.R.A. Constitution of the Commonwealth of Puerto Rico</b></p>	<p>Article II Bill of Rights                      Section 1. The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws</p>

	and the system of public education shall embody these principles of essential human equality.
<b>Act No. 100 of June 30, 1959, as amended, 29 L.P.R.A. § 146, et seq., known as the “Employment Discrimination Act of 1959”</b>	Legislates against “Discrimination based on age, race, color, sex, social or national origin, social status, political affiliation, political or religious ideas, or for being a victim or being perceived as a victim of domestic violence, sexual assault or harassment.” This Act prohibits the publications of discriminatory language on job postings and discriminating on training opportunities for employees.
<b>Act No. 97 of June 10, 1972, 3 L.P.R.A. § 441, et seq., as amended, known as the “Department of Housing Organic Act”</b>	An executive government department is created with the name of the Department of Housing. It is entrusted with the responsibilities of elaborating and executing public policy related to housing.  PRDOH is the governmental agency designated as grantee of the CDBG-DR/MIT funds allocated to the Government of Puerto Rico.
<b>Act. No. 44 of July 2, 1985, as amended, 1 L.P.R.A. § 501, et seq., known as the “Act to Prohibit Discrimination Against People with Physical, Mental, or Sensory Impairments”</b>	To prohibit discrimination against people with physical, mental, or sensory disabilities in public and private institutions, whether or not they receive funds from the Commonwealth of Puerto Rico and empower the Attorney for People with Disabilities to implement this law and impose administrative fines for violation of the same Statement of Motives.
<b>Act No. 173 of August 31, 1996, as amended, 17 L.P.R.A. § 1491, et seq., known as the “Act to establish the State Match for Veteran’s Housing and Lease Subsidy Program for Low Income Elderly”</b>	Creates a program that assists the elderly with the monthly payment of a lease of an adequate housing by granting a monthly subsidy.
<b>Act No. 219-2006, 3 L.P.R.A. § 8321, et seq., “Act to Promote the Employment of People with Qualified Disabilities in the Agencies, Dependencies, and Public Corporations of the Commonwealth of Puerto Rico”</b>	Declares as public policy of the Commonwealth of Puerto Rico that the Public Agencies, Dependencies and Corporations include in their workforce at least five percent (5%) of people with qualified disabilities.
<b>Act No. 271-2006, to amend Act. No. 100 of 1959, supra, the</b>	Amends the Employment Discrimination Act of 1959, as amended, to include language that prohibits

<p><b>Employment Discrimination Act of 1959</b></p>	<p>discrimination in the workplace due to being a victim or be perceived as a victim of domestic violence, sexual assault, or stalking.</p>
<p><b>Act No. 22-2013, to amend Act. No. 100 of 1959, <i>supra</i>, Law to Prohibit Discrimination for Sexual Orientation and Gender Identity</b></p>	<p>Establishes as the Government of Puerto Rico's public policy the prohibition against discrimination by sexual orientation or gender identity in employment, public or private; thus, amending Act No. 100 of 1959, <i>supra</i>.</p>
<p><b>Act No. 158-2015, 1 L.P.R.A. § 811, <i>et seq.</i>, Act for the Defense of Persons with Disabilities of the Commonwealth of Puerto Rico</b></p>	<p>Creates the Office of the Ombudsman for Persons with Disabilities of the Commonwealth of Puerto Rico, which shall have fiscal, programmatic and administrative autonomy and independence to carry out its supervisory work and establish its administrative organization; creates the position of Ombudsman for People with Disabilities, establishes their duties, powers, functions, and responsibilities; repeals Act 78-2013, known as the "Act of the Procurator for Persons with Disabilities of the Commonwealth of Puerto Rico".</p>
<p><b>Act No.16-2017, 29 L.P.R.A. § 251, <i>et seq.</i>, Equal Pay Act of Puerto Rico</b></p>	<p>It prohibits discrimination based on sex against employees who perform work with equal functions that requires the same skill, effort, and responsibilities under similar working conditions, unless such differences are due to: i) a bona fide seniority or merit system; ii) a compensation system based on production volume or quality sales or profit; iii) education, training, or experience reasonably related to a job in particular; and iv) any other reasonable factor other than the person's sex.</p>
<p><b>Act No. 266-2018, 1 L.P.R.A. § 501 note, Equal Access to Information for the Deaf in the Advertising Campaigns of the Government of Puerto Rico Act</b></p>	<p>Requires all visual advertising that contains sound, which is purchased, generated, created, or produced by or for entities Government agencies belonging to any of the three branches of government, use a sign interpreter to effectively communicate the message to the deaf community.</p>

## 2 Definitions

- Accessibility:** Making dwelling units and/or public and common use areas of buildings and facilities able to be approached, entered, and used by individuals with disabilities. Additionally, **this** term includes facilitating the ability by all members of the public, including those who have disabilities or speak a language

other than that used in the usual **conduct** of a government, to access information about public programs and activities easily without barrier or impediment.

- **Affirmative Fair Housing Marketing:** Covered housing activities that typically include any project consisting of five (5) or more rental or sale housing units must establish a marketing strategy (plan) to ensure positive outreach to those who are least likely to know about and apply to the covered housing. The purpose is to promote a similar range of housing choices to buyers or tenants regardless of race, color, religion, sex, handicap, familial status, or national origin.
- **Affirmatively Furthering Fair Housing (AFFH):** An obligation of jurisdictions receiving Federal entitlement funding which involves the act of taking meaningful actions, in addition to combating discrimination, that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities free from barriers that discriminate and restrict access to opportunity based on protected characteristics.
- **Analysis of Impediments (AI):** A review required from certain recipients of HUD entitlement funds of impediments or barriers ensure that HUD-funded programs are being administered in a manner that furthers fair housing for protected classes. The document analyzes housing conditions, demographic and socioeconomic data, public and private policies, practices, and procedures, existing discrimination complaints, and public comments received through citizen participation. The document serves as the jurisdiction's basis for fair housing planning and planning the use of grant funding.
- **Applicant:** Any person, household, or entity that submits an Application for a CDBG-DR/MIT Program through PRDOH or its subrecipients for the purpose of receiving benefits from a CDBG-DR/MIT program. An applicant who is a developer and whose Application is approved for an award is considered a beneficiary.<sup>6</sup>
- **Beneficiary:** A beneficiary is the individual, household, or entity that is the final recipient of CDBG-DR/MIT funds as the target or applicant of a program to receive the services and benefits of the programs. A beneficiary can also include a developer in certain contexts, such as affordable rental housing programs, as well as the tenants of those properties as eligible **Low and Moderate Income (LMI)** households.
- **Contractor:** A private company that produces goods and services for the public government agencies by means of a contract, subcontract, purchase order, agreement or other similar arrangement.

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<sup>6</sup> See [CDBG-DR Policy Guidance for Grantees 2019](#), page 21.

- **Discrimination complaint:** When an individual, group of individuals, or entity representing an individual or group reports to PRDOH, as grantee, or HUD one or both of the following:
  1. any possible discrimination under the Fair Housing Act (including housing that is privately owned and operated<sup>7</sup>); and/or
  2. any possible discrimination of civil rights violations in housing and community development programs, including those funded by HUD, such as CDBG-DR/MIT.
- **Dwelling:** Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more household, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.<sup>8</sup>
- **Fair housing choice:** Fair housing choice means ~~that~~ individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses: (1) actual choice, which means the existence of realistic housing options; (2) protected choice, which means housing that can be accessed without discrimination; and (3) enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's needs as required under Federal civil rights law, including disability-related services that an individual needs to live in such housing.<sup>9</sup>
- **Federal Compliance and Subrecipient Management Division (CDBG-DR/MIT FCSM):** The PRDOH CDBG-DR/MIT division that is responsible for subrecipient management and for the establishment of fair housing, civil rights, and labor standards policies for the CDBG-DR/MIT Programs. The Division provides technical assistance training to CDBG-DR/MIT staff, subrecipients, and contractors to educate and ensure compliance with these laws and policies. CDBG-DR/MIT FCSM is also responsible for managing the reporting processes that collect data and information from subrecipients, contractors, and housing developments that

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<sup>7</sup> All reports filed directly with PRDOH regarding possible discrimination under the Fair Housing Act will be referred to HUD. See the section below on FHEO Complaints.

<sup>8</sup> HUD has multiple definitions for "dwelling". The Dwelling definition in this policy is based on 42 U.S.C. § 3602(b).

<sup>9</sup> See 24 C.F.R. § 5.152.

allow for the verification of compliance with fair housing, civil rights, and labor standards policies of the CDBG-D/MIT Programs.

- **Language Access Plan (LAP):** This recommended HUD plan explains how a HUD funding recipient will address Limited English Proficiency (**LEP**). The LAP indicates what language assistance services are appropriate within a recipient's jurisdiction. A recipient may develop a LAP to address identified needs of the limited English proficiency populations it serves. In Puerto Rico, given that the primary language is Spanish, this Plan is developed on the basis of both LEP and Limited Spanish Proficiency (**LSP**).
- **Limited Spanish Proficiency (LSP):** LSP refers to a person's limited ability to read, write, speak, or understand Spanish.
- **Multi-Family Housing:** A housing development consisting of five (5) or more dwelling units.
- **Protected Class:** The groups provided legal protection from discrimination by the laws, statutes, and regulations cited in this Policy.
- **Reasonable Accommodation:** A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to participate in any government-assisted program or activity.<sup>10</sup>
- **Reasonable Modification:** A structural change made to existing premises, occupied or to be occupied by a person with a disability who requests one, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.
- **Single-Family Housing:** Housing consisting of four (4) or fewer dwelling units.
- **Subrecipient:** Non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that

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<sup>10</sup> Note that there are differences in how the Fair Housing Act (**FHA**) and Section 504 define and require Reasonable Accommodations and Reasonable Modification. Unlike the FHA, Section 504 does not distinguish between "reasonable accommodations" and "reasonable modifications" Instead, both are captured by the term "reasonable accommodations." This is due to the fact that under Section 504, both accommodations and modifications must be provided and paid for by a grantee receiving federal funds so far as they are considered reasonable. The Fair Housing Act applies to all individuals and entities involved in the provision of housing and residential lending with certain exceptions. However those providers are required to provide only RAs and incur any costs so long as they are considered reasonable. Under the FHA the requestor has the burden of proof to evidence the need for a Reasonable Modification, but providers are required to allow such modifications to occur so long as they are reasonable.

is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

- **Vital Documents:** Any document that is critical for ensuring meaningful access to a recipient's programs, services, or benefits that are supported by federal funds, or that are required by law. HUD encourages its recipients, as part of its LAP, to assess and determine which documents are vital to the meaningful access of the LSP/LEP populations it serves. Such documents may include but are not limited to outreach materials, applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LSP/LEP persons of the availability of free language services.

### 3 Affirmative Marketing

It is PRDOH's intent to ensure that programs and activities will be made known and accessible to all interested and eligible individuals. In collaboration with subrecipients and other partners, PRDOH will ensure that its CDBG-DR/MIT programs are adequately marketed across the Island, especially to those in impacted and historically underserved areas, as well as targeted to the underserved and protected classes of people.

PRDOH will review, update, and create program-wide marketing materials, as needed, to make them relevant, understandable, and effective to all potential applicants. Subrecipients and contractors will review, update, and create their program specific marketing materials as needed to ensure the same for their respective program(s). These materials may include:

- Outreach material for Program launches;
- Outreach material for Program updates;
- Information explaining application requirements and processes;
- Translation needs of vital documents as identified in LAP plan; and
- Creation of outreach lists that may include areas, organizations, and others to target.

All vital Information will be published in common languages predominately used in Puerto Rico, which include Spanish and English, and all programs will comply with PRDOH's Language Access Plan (**LAP**).

All written advertisements for housing programs and availability shall include the fair housing logo and statement or slogan on the letterhead or elsewhere displayed in a prominent location (see Appendix 3).

### 3.1 Applicability

In accordance with the policies established and regulations cited in this Policy, CDBG-DR/MIT Housing, Economic Recovery, Planning, Infrastructure, and Multisector programs must be marketed and operated in a manner that ensures equal opportunity and access. PRDOH and/or its subrecipients responsible for the administration of CDBG-DR/MIT programs are also responsible for ensuring effective affirmative marketing.

#### 3.1.1 General Applicability of Affirmative Marketing

All programs must use appropriate marketing materials and inclusive outreach strategies and approaches. Thus, outreach efforts will target hard to engage and underserved populations.

Collaboration between CDBG-DR/MIT Program Areas, CDBG-DR/MIT Operations and the CDBG-DR/MIT FCSM ensures that:

- Marketing and program materials comply with PRDOH's LAP;
- Marketing materials and outreach strategy can be reasonably expected to reach all potential applicants and/or stakeholders (as applicable), and effectively target the identified hard to reach and underserved populations; and
- Evaluation of program participation to understand effectiveness of.

PRDOH and its subrecipients will ensure that each CDBG-DR/MIT program utilizes appropriate marketing and outreach strategies. Any contractors working on a program's marketing and/or outreach actions must ensure they are familiar with their affirmative marketing and outreach program's strategies and implement procedures that which facilitate the success of the program's affirmative marketing.

#### 3.1.2 Housing Program Applicability of Affirmative Fair Housing Marketing Plans

Certain housing programs such as the CDBG-DR Gap to Low Income Housing Tax Credit (LIHTC) Program, the Social Interest Housing (SIH) Program, and any project that meets the criteria cited below, requires that PRDOH and its subrecipients ensure program applicants, who will develop or rehabilitate units for rent or sale, have adopted affirmative marketing procedures in the form of an Affirmative Fair Housing Marketing Plan (AFHM Plan).<sup>11</sup> This requirement applies to any CDBG-DR/MIT program, subrecipient, or applicant who is developing or rehabilitating units for either rent or sale that meet the following criteria:

- Multi-family developments and manufactured home lots of **five (5) or more** lots, units, or spaces; or
- Single-family developments/subdivisions where the applicant intends to sell **five (5) or more** units, or when an applicant's participation in the Program causes or would

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<sup>11</sup> Established at 24 C.F.R. Part 200, Subpart M, and implementing guidelines found in [Implementing Affirmative Fair Housing Marketing Requirements Handbook \(8025.1\)](#).



cause them to exceed the development of **five (5) or more** dwelling units during the year preceding the application.<sup>12</sup>

## 3.2 Affirmative Fair Housing Marketing (AFHM) Plan

### 3.2.1 Roles and Responsibilities

As described in the following sections, the following entities are responsible for carrying out the following roles and processes in developing and implementing an AFHM Plan.

- PRDOH CDBG-DR/MIT FCSM: Responsible for reviewing AFHM Plans for compliance prior to implementation. PRDOH and subrecipients are responsible for ongoing monitoring and evaluation of AFHM Plans and recommending appropriate changes throughout the term of affordability.
- Program Applicants/Subrecipients: Applicants who will develop or rehabilitate units for rent or sale are responsible for developing and submitting a compliant AFHM Plan and performing program funded activities in compliance with this Policy and 24 C.F.R. § 200.620. Once federal funds or assistance is awarded, beneficiaries are responsible for training property owners, managers, agents, and other participating entities on their AFHM Plan requirements and responsibilities.
- Owners/Managers/Agents/Contractors: Responsible for executing affirmative marketing activities under the direction of the program applicant and in compliance with the AFHM Plan.

### 3.2.2 Creation of AFHM Plan

The AFHM Plan is generally required as part of the program application, unless otherwise directed by PRDOH. Once a program application is initially received by a Program, AFHM Plans must be submitted to the CDBG-DR/MIT FCSM for review and approval at least **thirty (30) days** prior to the date marketing activities must commence.

An applicant satisfies AFHM Plan requirements by developing and following marketing plans that include the following components as outlined in the AFHM Plan template forms:

- Identify: document service area, eligible applicants, and unique program elements specific to the project.
- Targeting: Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts. This may include the identification of geographic areas, protected classes, and/or organizations that serve the target groups.
- Outreach: Outline the special measures designed to attract target groups least likely to apply, as well as other efforts designed to inform the general eligible

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<sup>12</sup> Further detail on the applicability of AFHM Plan requirements is found at 24 C.F.R. § 200.615.

population. This may include the identification of community organizations and media outlets that are focused on target groups.

- **Indicators:** Establish indicators to be used to measure and evaluate the success of the AFHM Plan.
- **Staff Training:** Demonstrate the capacity to provide training and information on fair housing laws and objectives to sales or rental staff.

To document this process, program applicants must complete [HUD Form 935-2A](#) (Multi-Family Housing) or [HUD Form 935-2B](#) (Single-Family Housing). These forms are required as part of the program application, unless otherwise directed by PRDOH. Once PRDOH reviews the form and provides approval, the beneficiary and/or contractor can initiate marketing and outreach activities for the project.

### 3.2.3 Implementation of AFHM Plan

Any program beneficiaries, contractors, or other parties and participants involved in the implementation and execution of CDBG-DR/MIT Housing programs to which AFHM Plan requirements apply, should rely on the AFHM Plan to guide outreach and engagement activities and requirements related to the project as mentioned in the section above. Affirmative marketing includes special outreach and advertising efforts designed to communicate the availability of housing units to those groups or individuals who would qualify but may be less likely to apply for assistance.<sup>13</sup> This applies to certain housing programs such as the SIH and LIHTC Programs, funded by CDBG-DR/MIT.

Affirmative Marketing activities must commence at least **ninety (90) days** prior to initial or renewed occupancy for new construction or substantial rehabilitation activities.<sup>14</sup>

Subrecipients or contractors seeking guidance or assistance in establishing or implementing the AFHM Plan should consult with [HUD FHEO Handbook 8025.1](#).<sup>15</sup>

### 3.2.4 Evaluation of AFHM Plan

Affirmative Marketing plans should be updated every **five (5) years**, or when there are significant changes to the demographics of the project or the local housing market area.<sup>16</sup> However, the beneficiaries, contractors, subcontractors, or other parties and participants involved in the implementation and execution of CDBG-DR/MIT Housing programs should periodically evaluate the results of implementing their AFHM Plan. This evaluation is vital, in order to assess the benefitted populations, whether or not efforts were effective, and identify which efforts were effective engaging potential applicants and as outreach tools during the plan's implementation, and which efforts were not

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> HUD, *Implementing Affirmative Fair Housing Marketing Requirements Handbook* (8025.1). Accessed at: [FHEO HANDBOOK 8025.1 | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#).

<sup>16</sup> 24 C.F.R. § 200.600, *et seq.*

effective in engaging potential applicants, especially those populations requiring special outreach.

As part of this evaluation, the beneficiaries, contractors, subcontractors, or other parties and participants involved in the implementation and execution of a CDBG-DR/MIT Housing program should compare the demographic data between applicant and beneficiary, and demographic data with the demographic data of the project's service area. If significant variations exist, the subrecipient or contractor should consult with the CDBG-DR/MIT FCSM via [fairhousing@vivienda.pr.gov](mailto:fairhousing@vivienda.pr.gov) in order to share findings and gather input on strategies to adjust the marketing plan for future projects and activities.

Beneficiaries and contractors required to develop and implement an AFHM Plan are required to submit a plan evaluation quarterly report, summarizing outreach activities and demographic data related to occupants and prospective renters/buyers. As needed, PRDOH and subrecipients will review the data from these reports and provide feedback and recommendations on how to improve marketing activities.

AFHM Plans will also be part of PRDOH's standard monitoring review of programs and activities. Review of the AFHM Plan should continue throughout a project's compliance period.

### 3.2.5 AFHM Plan Closeout

The AFHM Plan and corresponding data and applicant information should be retained by the beneficiaries of the applicable programs for either **five (5) years** or until the time of their first plan update, whichever is longer, in order to inform the update revisions.

Records that must maintained include:

- Documentation of outreach activities and approaches
- Demographic and socioeconomic data of occupants and prospective renters/buyers, including:
  - Race
  - Ethnicity
  - Gender
  - Disability
  - Age
  - Household size and type
  - Income level
  - Other elements, as identified in the AFHM Plan quarterly report

PRDOH and subrecipients should retain this same data and information for the duration of the compliance period upon which CDBG-DR/MIT funding awarded is conditional, and in compliance with the Record Keeping, Management, and Accessibility (**RKMA**)

Policy. This, and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at <https://www.cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

#### **4 Limited English Proficiency and Language Access Plan**

PRDOH and subrecipients are responsible for complying with Puerto Rico's Language Access Plan (**LAP**). The purpose of the LAP is to ensure meaningful access to federally assisted programs and activities for persons, who, as a result of national origin, are limited in their English proficiency.<sup>17</sup> For the Puerto Rico CDBG-DR/MIT programs, the Plan also considers Limited Spanish Proficiency (**LSP**). The Language Access Plan provides concrete action steps that shall be followed by PRDOH, subrecipients, and contractors. This, and all CDBG-DR/MIT Program policies are available in English and Spanish on the PRDOH website at: <https://www.cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

#### **5 Fair Housing, Equal Opportunity, and Civil Rights Responsibilities**

PRDOH, subrecipients, contractors and other program partners must comply with applicable federal fair housing, equal opportunity laws, statutes and executive orders. CDBG-DR/MIT FCSM will conduct regular training sessions for CDBG-DR/MIT staff, subrecipients, and contractors to ensure all parties understand and comply with relevant fair housing and civil rights requirements.

CDBG-DR/MIT FCSM is responsible for ensuring that programs are designed in a manner to comply with the requirements set forth in this section.

CDBG-DR/MIT FCSM is available to provide technical assistance to any program office, subrecipient or contractor requesting support in ensuring that they are sufficiently complying with requirements to affirmatively further fair housing, provide equal opportunity, and comply with all civil rights requirements.

##### **5.1 Nondiscrimination of Program Participants**

The applicable laws listed below require that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving CDBG-DR/MIT assistance on the grounds of:

- Race
- Color
- National Origin
- Religion
- Sex
- Age

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<sup>17</sup> Federal Register Vol. 72, No. 13, 72 FR 2732 (January 22, 2007).

- Disability
- Gender Identity
- Sexual Orientation (in employment and HUD-funded or insured housing programs)
- Marital Status (in HUD-funded or insured housing programs)

Applicable Laws:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*;
- Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act), 42 U.S.C. § 3601, *et seq.*;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, *et seq.*;
- Americans with Disabilities Act of 1990 (**ADA**), as amended, 42 U.S.C. § 12101, *et seq.*;
- Section 109 of the Housing and Community Development Act of 1974 (**HCDA**), as amended, 42 U.S.C. § 5309;
- Housing for Older Persons Act of 1995 (**HOPA**), Pub. L. 104-76;
- Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, *et seq.*;
- Violence Against Women Act of 1994 (**VAWA 1994**) as part of the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12291, *et seq.*<sup>18</sup>;
- Executive Order No. 11063 (1962), Federal Register, Vol. 27, No. 228, p.11527, 27 FR 11527 (November 24, 1962);
- Executive Order No. 13988 (2021), Federal Register Vol. 86, No. 14, p. 7023, 86 FR 7023 (January 20, 2021);
- General HUD Program Requirements: Equal Access to HUD-assisted or Insured Housing, 24 C.F.R. § 5.106;
- Act No. 131 of May 13, 1943, 1 L.P.R.A. § 13, known as the “Puerto Rico Civil Rights Act” – Discrimination in Public Places, Businesses, Transportation, and Housing;
- Act No. 238-2004, as amended, 1 L.P.R.A. § 512(a), known as the “Bill of Rights of Persons with Disabilities”;
- Constitution of the Commonwealth of Puerto Rico-1952, 1 L.P.R.A. Constitution of the Commonwealth of Puerto Rico;
- Act. No. 44 of July 2, 1985, as amended, 1 L.P.R.A. § 501, *et seq.*, known as the “Act to Prohibit Discrimination Against People with Physical, Mental, or Sensory Impairments”;
- Act No. 22-2013, to amend Act. No. 100 of 1959, *supra*, Law to Prohibit Discrimination for Sexual Orientation and Gender Identity;
- Act No.16-2017, 29 L.P.R.A. § 251, *et seq.*, Equal Pay Act of Puerto Rico

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<sup>18</sup> The protections and provisions afforded by the 1994 legislation were subsequently expanded and improved in the Violence Against Women Act of 2000 (VAWA 2000) and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005).

- Act No. 266-2018, 1 L.P.R.A. § 501 note, Equal Access to Information for the Deaf in the Advertising Campaigns of the Government of Puerto Rico Act.

Additionally, the Government of Puerto Rico has established the following protected classes:

- Birth
- Social Origin or Condition
- Political Ideas or Beliefs
- Victims or perceived victims of domestic violence, sexual assault, or stalking (in employment)
- Military or veteran status (in employment)

### 5.1.1 PRDOH Responsibilities

PRDOH shall make available via its website, call centers and intake centers guidance on how individuals, or impacted parties, may submit a discrimination complaint to PRDOH and HUD FHEO via phone call, letter, email, or form submission. For more information regarding this topic, see the section below on Discrimination Complaints.

Any PRDOH subrecipients, contractors and other program partners, marketing, and advertisements for housing, will comply with fair housing laws and requirements. Further, the Equal Housing Opportunity logo, slogan, or statement will be prominently displayed in all offices in which sale or rental activity takes place. Project sites will include signs that prominently display the Equal Housing Opportunity logo, slogan, or statement. The Equal Housing Opportunity logo, slogan, and statement are available in Appendix 3.

PRDOH, as grantee, will review its Section 504 Self Evaluation and Transition Plans to ensure they are inclusive of projects and activities carried out by the CDBG-DR/MIT programs.<sup>19</sup> PRDOH will conduct an update to its self-evaluation to identify if any current policies and practices discriminate against qualified individuals with disabilities, or are a barrier to said individuals from fully participating in PRDOH's programs. Any necessary changes to policies or procedures will be documented in PRDOH's Section 504 Transition Plan.

When updates to the Self-Evaluation Plan are performed, PRDOH will include persons with different disabilities and representative stakeholders of such populations to participate in the evaluation to ensure that all programs comply with established policy and regulations.

The Self-Evaluation Plan includes, but is not limited to, the following:

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<sup>19</sup> 24 C.F.R. § 8.51; CPD Notice 05-09: Accessibility Notice - Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and Their Applicability to Housing Programs Funded by HOME and CDBG, November 2005, <https://www.hudexchange.info/resource/2326/notice-cpd-05-09-home-cdbg-and-section-504/>; and CPD Notice 05-10: CDBG and Section 504 Americans with Disabilities Act, Architectural Barriers Act, November 2005, <https://www.hudexchange.info/resource/2328/notice-cpd-05-10-cdbg-section-504-ada-architectural-barriers-act/>

- Evaluation of current policies and procedures to determine if they adversely affect the full participation of individuals with disabilities.
- Modification of any policies that are not, or may not be, in compliance with Section 504 or Title II and Title III of the Americans with Disabilities Act (**ADA**) regulations and warrant corrective action.

### 5.1.2 Subrecipient and Contractor Responsibilities

Subrecipients and contractors shall be aware of the process and information of how to submit a discrimination complaint to PRDOH and HUD FHEO. Also, they are responsible for readily available information regarding the processes for an individual to submit a discrimination complaint to PRDOH and HUD FHEO via phone call, letter, email, or form submission. Contractors and subrecipients should refer any individual or impacted parties to PRDOH's websites, call centers, and intake centers for further guidance on how to submit a discrimination complaint. Any discrimination complaints received by subrecipients or contractors relating to CDBG-DR/MIT programs or activities must be forwarded to PRDOH as soon as possible.

Subrecipient and contractor marketing and advertising for housing will comply with fair housing laws and requirements. Further, the Equal Housing Opportunity logo, slogan, or statement will be prominently displayed in all offices in which sale or rental activity takes place. Project sites will include signs that prominently display the Equal Housing Opportunity logo, slogan, or statement, information is are available in Appendix 3.

#### *Subrecipients Only*

Section 504 of the Rehabilitation Act of 1974 requires that recipients of federal funds provide for equal opportunity for individuals to enter facilities and participate in activities and programs. PRDOH is responsible for ensuring programs comply with the requirements set forth in Section 504. PRDOH requires that subrecipients comply with Section 504 requirements and the American with Disabilities Act (**ADA**).

Subrecipients must review their existing Section 504 Self-Evaluation and Transition Plans to ensure that they are inclusive of all projects and activities carried out by the subrecipient agreement. If a subrecipient does not have Section 504 Self-Evaluation and Transition Plan, it must develop one after executing its subrecipient agreement.

When the subrecipient updates its Self-Evaluation Plan, the subrecipient will include persons with different disabilities and representative stakeholders of such populations to participate in the evaluation to ensure that programs comply with the regulations.

The Self-Evaluation Plan includes, but is not limited to, the following:

- Evaluation of current policies and procedures to determine if they adversely affect the full participation of individuals with disabilities; and



- Modification of any policies that may, or may not be, in compliance with Section 504 or Title II and Title III of the ADA and warrant corrective action.

## 5.2 Discrimination Complaints

The CDBG-DR/MIT FCSM Division will ensure potential and actual program applicants and beneficiaries will be able to adequately submit discrimination complaints, as defined above. That is, report any possible discrimination under the Fair Housing Act (including housing that is privately owned and operated) and/or any possible discrimination of civil rights violations in the CDBG-DR/MIT Program. **If PRDOH receives a discrimination complaint alleging any possible discrimination under the Fair Housing Act, it will be forwarded to HUD FHEO within two (2) business days.**

The laws and orders governing civil rights for this section include, but are not limited to:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq*;
- Title VIII of the Civil Rights Act of 1968, as amended (**Fair Housing Act**), 42 U.S.C. § 3601, *et seq*;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, *et seq*;
- Americans with Disabilities Act of 1990 (**ADA**), as amended, 42 U.S.C. § 12101, *et seq*;
- Section 109 of the Housing and Community Development Act of 1974 (**HCDA**), as amended, 42 U.S.C. § 5309;
- Housing for Older Persons Act of 1995 (**HOPA**), Pub. L. 104-76;
- Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq*;
- Executive Order No. 11063 (1962), Federal Register, Vol. 27, No. 228, p.11527, 27 FR 11527 (November 24, 1962);
- Executive Order No. 13988 (2021), Federal Register Vol. 86, No. 14, 86 FR 7023 (January 20, 2021);
- General HUD Program Requirements: Equal Access to HUD-assisted or Insured Housing, 24 C.F.R. § 5.106;
- Act No. 131 of May 13, 1943, 1 L.P.R.A. § 13, known as the "Puerto Rico Civil Rights Act" – Discrimination in Public Places, Businesses, Transportation, and Housing;
- Act No. 238-2004, as amended, 1 L.P.R.A. § 512(a), known as the "Bill of Rights of Persons with Disabilities";
- Constitution of the Commonwealth of Puerto Rico-1952, 1 L.P.R.A. Constitution of the Commonwealth of Puerto Rico;
- Act. No. 44 of July 2, 1985, as amended, 1 L.P.R.A. § 501, *et seq.*, known as the "Act to Prohibit Discrimination Against People with Physical, Mental, or Sensory Impairments";
- Act No. 22-2013, to amend Act. No. 100 of 1959, *supra*, Law to Prohibit Discrimination for Sexual Orientation and Gender Identity.



### 5.2.1 Discrimination Complaints submitted directly to PRDOH

A Discrimination Complaint may be presented directly to PRDOH by submitting the complaint to the PRDOH CDBG-DR/MIT FCSM Division.<sup>20</sup> Any discrimination complaint received by a PRDOH regional office or program area shall be forwarded to the PRDOH FCSM Division via: [fairhousing@vivienda.pr.gov](mailto:fairhousing@vivienda.pr.gov).

Discrimination complaints can be submitted to the CDBG-DR/MIT FCSM Division via:

<b>Email:</b>	<a href="mailto:fairhousing@vivienda.pr.gov">fairhousing@vivienda.pr.gov</a>
<b>Postal Address:</b>	Puerto Rico CDBG-DR/MIT Program Attn: Federal Compliance Division P.O. Box 21365 San Juan, PR 00928-1365

To ensure accessible communication for persons with disabilities, a complainant may request a reasonable accommodation, as needed<sup>21</sup>. One of these may be to allow that a discrimination complaint be received verbally. CDBG-DR/MIT personnel or other related CDBG-DR/MIT parties receiving said complaint must put it in writing and assure compliance with all other requirements, as described below.

<b>Telephone:</b>	1-833-234-CDBG 1-833-234-2324 TTY: 787-522-5950 Attention hours: Monday to Friday from 8:00am-5:00pm
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~~In order~~ For a discrimination complaint to be evaluated and addressed by the CDBG-DR/MIT FCSM Division, the Complaint requires the following:

1. Needs to be in writing;
2. Contains the complainant's full name;
3. Contains complainant's contact information and preferred method of notification for communications regarding Complaint (telephone, physical, postal, and email addresses);
4. Describes the nature of the violation or discrimination;
5. Provides the basis of the violation or discrimination (indicate the protected class(es) listed in this Section believed is the basis for the discriminatory act);
6. Names the individual and/or organization believed to have committed the discriminatory act(s);

<sup>20</sup> PRDOH will also be making available a discrimination-specific complaint form on its CDBG-DR/MIT website.

<sup>21</sup> The Reasonable Accommodation Policy will be available in English and Spanish on the PRDOH website at [Reasonable Accommodation Policy - CDBG \(pr.gov\)](#) and [Política de Acomodo Razonable - CDBG \(pr.gov\)](#).

7. Includes the location where the alleged act(s) of discrimination occurred (provide an address);
8. Provides the date(s) of the alleged discriminatory act(s).

**5.2.2 Discrimination Complaints submitted directly to HUD**

A Discrimination Complaint may be presented directly to HUD by submitting HUD Form 903.1 (available in English, Spanish, and other languages) via:

<b>Email:</b>	<a href="mailto:ComplaintsOffice02@hud.gov">ComplaintsOffice02@hud.gov</a>
<b>Postal Address:</b>	REGION 2: New Jersey, New York, and the Caribbean New York Regional Office of FHEO U.S. Department of Housing and Urban Development 26 Federal Plaza, Room 3532 New York, New York 10278-0068
<b>Telephone:</b>	(212) 542-7519 (800) 496-4294 TTY (212) 264-0927
<b>Online:</b>	<a href="https://www.hud.gov/program_offices/fair_housing_equal_op/online-complaint">https://www.hud.gov/program_offices/fair_housing_equal_op/online-complaint</a> English: <a href="https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action">https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action</a> Spanish: <a href="https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm">https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm</a> Other languages: <a href="https://www.hud.gov/program_offices/fair_housing_equal_op/online-complaint">https://www.hud.gov/program_offices/fair_housing_equal_op/online-complaint</a>

**5.2.3 Subrecipient and Contractor Responsibilities regarding Discrimination Complaints**

Subrecipients and contractors must ensure that beneficiaries know they have the right to submit a Discrimination Complaint should they believe they were discriminated against, based on a protected class status. One of the duties of subrecipients and contractors

includes providing guidance on how to submit a complaint and providing the contact information above for both PRDOH and HUD on websites, intake centers, and call centers. The process for submitting Discrimination Complaints is described in the PRDOH responsibility section above, as well as in the PRDOH CDBG-DR/MIT Complaints Policy.

Subrecipients and contractors with **fifteen (15)** or more employees must establish or utilize existing procedures to manage Discrimination Complaints. The subrecipient or contractor must designate a staff person to coordinate Section 504 and related compliance efforts. This designated individual, commonly known as the Section 504 Coordinator, will oversee the subrecipient's or contractor's procedures to manage the receipt and prompt resolution of any Discrimination Complaint submitted to the entity. The designated staff person will be responsible for promptly reporting any Discrimination Complaint filed to PRDOH.

### 5.3 Affirmatively Furthering Fair Housing

In planning and carrying out the CDBG-DR/MIT program, PRDOH will ensure that all activities are conducted in a manner that will affirmatively further fair housing. All subrecipients and contractors will be responsible to comply with Puerto Rico's certification that they will affirmatively further fair housing through the design and implementation of their respective programs.<sup>22</sup>

#### *Applicable Laws:*

- Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act), 42 U.S.C. § 3601 *et seq.*
- Executive Order No. 12892 (1994), Federal Register, Vol. 59, No. 13, p. 2939, 59 FR 2939 (January 20, 1994)
- Executive Order No. 13166 (2000), Federal Register, Vol. 65, No. 159, p. 50121, 65 FR 50121, (August 16, 2000)
- Executive Order No. 13988 (2021), Federal Register Vol. 86, No. 14, p. 7023, 86 FR 7023 (January 20, 2021).

#### 5.3.1 PRDOH Responsibilities

When developing programs, and approving projects and activities, PRDOH will ensure that these programs and activities are designed in a manner that promotes the obligation of PRDOH to affirmatively further fair housing. The guidelines and procedures that govern CDBG-DR/MIT programs have the goal of achieving truly balanced and integrated living patterns, promote fair housing choice and foster inclusive communities that are free from discrimination.

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<sup>22</sup> See "Action Plan Certifications" in *Puerto Rico Disaster Recovery Action Plan Amendment 8*, p. 197 and "Certifications" in the *Puerto Rico Mitigation Action Plan Community Development Block Grant- Mitigation (CDBG-MIT)*, p. 386.

PRDOH will maintain training and resource materials for all staff and partners and conduct regular trainings on fair housing and civil rights requirements for relevant staff.

PRDOH will ensure program and activities align with the strategies and action steps outlined in Puerto Rico's Analysis of Impediments to Fair Housing Choice.

Additionally, PRDOH will comply and ensure that they, as well as its subrecipients and all contractors design programs and outreach that affirmatively market in a manner that promotes participation by protected classes of people, and that beneficiaries of applicable programs adhere to the requirements to maintain AFHM Plans and comply with the requirements of the Language Access Plan outlined in this Policy.

### **5.3.2 Subrecipient and Contractor Responsibilities**

Subrecipients and contractors shall carry out programs in accordance with PRDOH's objective to ensure that all programs affirmatively further fair housing. Subrecipients and contractors will adhere to the requirements to affirmatively market programs and comply with the requirements of the Language Access Plan outlined in Sections 3 and 4 of this Policy.

Municipal subrecipients that are required to develop and maintain an Analysis of Impediments to Fair Housing Choice are responsible to follow the requirements of their individual plans as well as the action items set forth in Puerto Rico's Analysis of Impediments.

## **5.4 Reasonable Accommodation Policy**

### **5.4.1 PRDOH, Subrecipient, and Contractor Responsibilities**

Federally funded programs such as the PRDOH CDBG-DR/MIT Program are required to make reasonable accommodations and modifications for individuals with disabilities to avoid discrimination and ensure these individuals have an equal opportunity to access and enjoy the benefits of the Program. Requests for accommodations (changes to a rule, policy, practice, or service) and reasonable modifications (structural changes to a building or dwelling) most commonly arise in housing programs, however Section 504 applies to all federally funded programs and activities.

Any person with disability-related needs or their representative, may submit a request for accommodation or modification to PRDOH, subrecipients, or contractors involved in the implementation of CDBG-DR/MIT programs. PRDOH has established the Reasonable Accommodation Policy<sup>23</sup> (**RAR Policy**) to guide individuals on how to submit a non-employment related reasonable accommodation request, and instruct PRDOH employees, subrecipients, and contractors on how to receive and evaluate reasonable accommodation and modification requests. The RA Policy also contains information on

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<sup>23</sup> Note that Section 504 of the Rehabilitation Act includes both reasonable accommodations and modifications under the term "Reasonable Accommodations," as the Act requires program providers to incur the costs of both.

how to submit a Program based Reconsideration or a complaint if they feel their disability related needs have not been met. Any employment-related reasonable accommodation request should be directed to the individual's employer. This and all policies are published in English and Spanish at: <https://www.cdbg-dr.pr.gov/en/resources/policies/> and <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

PRDOH will ensure that every effort is made to meet the disability-related needs of requesting individuals to the maximum extent feasible, so far as providing the requested accommodations or modifications is considered reasonable, whilst complying with the following laws:

- Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act), 42 U.S.C. § 3601 *et seq.*;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 *et seq.*;
- Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101 *et seq.*

## 5.5 Equal Employment Policies

PRDOH, as grantee, as well as all CDBG-DR/MIT subrecipients, will ensure that employment practices and policies comply, at a minimum, with the following applicable laws:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) *et seq.*;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 *et seq.*;
- Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101 *et seq.*;
- Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*;
- Executive Order No. 11063 (1962), Federal Register, Vol. 27, No. 228, p.11527, 27 FR 11527 (November 24, 1962);
- Executive Order No. 11246 (1965), Federal Register, Vol. 30, No. 187, p. 12319, 30 FR 12319 (September 28, 1965) as amended by Executive Order No. 11375 (1967), Federal Register, Vol. 32, No. 201, p. 14303, 32 FR 14303 (October 17, 1967);
- Equal Employment Opportunity Act of 1972, Pub. L. 92-261;
- Act No. 100 of June 30, 1959, as amended, 29 L.P.R.A. § 146 *et seq.*, known as the "Employment Discrimination Act of 1959";
- Act No. 219-2006, 3 L.P.R.A. § 8321 *et seq.*, Act to Promote the Employment of People with Qualified Disabilities in the Agencies, Dependencies, and Public Corporations of the Commonwealth of Puerto Rico;
- Act No. 271-2006, to amend Act. No. 100 of 1959, *supra*, the Employment Discrimination Act of 1959;
- Act No.16-2017, 29 L.P.R.A. § 251, *et seq.*, Equal Pay Act of Puerto Rico;

- Act No. 266-2018, 1 L.P.R.A. § 501 note, Equal Access to Information for the Deaf in the Advertising Campaigns of the Government of Puerto Rico Act.

### 5.5.1 PRDOH Responsibilities

PRDOH will take proactive steps to prevent discrimination in hiring and in the workplace, including, but not limited to the following:

- Advertise that PRDOH is an Equal Opportunity employer in all job postings (see Appendix 3).
- Conduct recruitment activities in a manner that does not intentionally or unintentionally limit participation from any protected class member.
- Review employment policies and procedures to identify and modify any elements that could result in an intentional or unintentional discriminatory act.
- Provide for reasonable accommodations or modifications for employees with disabilities unless it would cause undue hardship.
- Maintain employment data that indicates staff composition by race, sex, handicap status, and national origin.
- Display the Equal Opportunity "It's the Law" Poster in English<sup>24</sup> and Spanish<sup>25</sup> in a prominent location (see Appendix 3).

### 5.5.2 Subrecipient and Contractor Responsibilities

All subrecipients and contractors assisting in the implementation of the CDBG-DR/MIT program shall take proactive steps to prevent discrimination in hiring and in the workplace, including but not limited to the following:

- Advertise that they are an Equal Opportunity employer in all job postings (see Appendix 3).
- Conduct recruitment activities in a manner that does not intentionally or unintentionally limit participation from any protected class.
- Review employment policies and procedures to identify and modify any elements that could result in an intentional or unintentional discriminatory act.
- Subrecipients and contractors with fifteen (15) or more employees must provide reasonable accommodation for individuals with disabilities unless it would cause undue hardship.
- Maintain employment data that indicates staff composition by race, sex, handicap status, and national origin.

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<sup>24</sup> Equal Opportunity Poster in English,  
[https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster.pdf).

<sup>25</sup> Equal Opportunity Poster in Spanish,  
[https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster\\_spanish.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster_spanish.pdf)

- Display the Equal Opportunity “It’s the Law” Poster in English<sup>26</sup> and Spanish<sup>27</sup> in a prominent location (See Appendix 3).

## 5.6 Reporting and Recordkeeping

PRDOH, as grantee, and all CDBG-DR/MIT subrecipients will ensure that they collect, evaluate, report, and retain appropriate data and records reflecting fair housing, equal opportunity, and other civil rights requirements in accordance with this Policy and the following laws and regulations:

- 24 C.F.R. § 570.490<sup>28</sup>
- 83 FR 5844
- 84 FR 45838
- Equal Employment Opportunity Act of 1972, Pub. L. 92-261

### 5.6.1 PRDOH Responsibilities

PRDOH is responsible for gathering and entering FHEO-related data and submitting to HUD as part of its Disaster Recover Grants Reporting (**DRGR**) Quarterly Performance Report (**QPR**) process, as well as part of its Equal Employment Opportunity (**EEO**) Form 4 to the Department of Labor (**DOL**) every other year. This FHEO-related data includes the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the CDBG-DR/MIT Program. Data for the DRGR system is to be reported at an activity level consistent with specific CDBG-DR/MIT Program requirements

~~In order~~ For PRDOH to effectively fulfill its reporting obligations, FCSM requires that all subrecipients and contractors complete the “Section 3, MWBE, FHEO and Davis Bacon Quarterly Report (**FCSM QR**).” PRDOH FCSM will also use this reported data to evaluate compliance with Civil Rights and labor requirements on an ongoing basis. Required demographic information, such as race, ethnicity, and gender, should be collected at Program Intake or at a beneficiary level once the individual is approved for occupancy in Housing programs or attains an assisted job in Economic Development programs.

Additionally, FCSM will require housing projects that must implement an AFHM Plan to submit a quarterly AFHM Plan Evaluation Report. This report will collect the required FHEO data from each applicable housing project owner for each individual who applies to live at the project.

PRDOH FCSM is responsible for maintaining all files and records associated with program compliance and implementation in accordance with the CDBG-DR/MIT Record

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<sup>26</sup> Equal Opportunity Poster in English,  
[https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster.pdf).

<sup>27</sup> Equal Opportunity Poster in Spanish,  
[https://www.eeoc.gov/sites/default/files/migrated\\_files/employers/eeoc\\_self\\_print\\_poster\\_spanish.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster_spanish.pdf)

<sup>28</sup> Note that 83 FR 5844, 5856 and 84 FR 45838, 45857-45858, provides a waiver to 24 C.F.R. § 570.490(b) and an establishes an alternative recordkeeping requirement for PRDOH’s CDBG-DR/MIT Programs.



Keeping, Management, and Accessibility Policy. This and all policies are published in English and Spanish at: <https://www.cdbg-dr.pr.gov/en/resources/policies/>; <https://www.cdbg-dr.pr.gov/recursos/politicas/>.

PRDOH FCSM will maintain, and update as necessary, the following supporting Agency-wide fair housing guidance resources:

- Analysis of Impediments to Fair Housing Choice;
- Language Access Plan;
- Policy of Nondiscrimination;
- Reasonable Accommodation Policy;
- Discrimination complaint log and Discrimination complaint process;
- Section 504 Self Evaluation and Transition Plan; and
- FHEO Training materials and training logs.

PRDOH will maintain Equal Employment Opportunity policies and resources, including:

- Personnel policies;
- Affirmative Action and/or Section 3 plans;
- Copies of any employment advertisements;
- Documentation of efforts to identify, train, involve, and/or hire minority and low-income residents;
- EEO Form-4<sup>29</sup>; and
- Minority business participation including documentation of procurement efforts to solicit locally owned, minority, and women-owned businesses.

PRDOH will maintain the following FHEO data and information for direct-recipient projects as well as summary reports submitted by subrecipients and contractors:

- Documentation of efforts to affirmatively further fair housing;
- AFHM Plans, tenant applicant data, and supporting documentation;
- Documentation of all Reasonable Accommodation Requests made in any of the CDBG-DR/MIT Programs;
- Documentation of any FHEO related Policy changes that are made;
- Documentation of marketing and outreach activities;
- Language Access Plan Compliance;
- Contractor Compliance: Records of any monitoring trips to project site and any findings; copies of contractors' monthly utilization report;
- Program Beneficiaries: Activity-level records of applicants and direct and indirect beneficiaries by race, ethnicity, and gender characteristics (i.e., male, or female head of household, etc.)

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<sup>29</sup> For EEO-4 Form information on who must file and access to form, see: <https://eeocdata.org/eeo4>.



- Displacement and/or Relocation: Data on race, head of household, age and income of persons affected.

### 5.6.2 Subrecipient and Contractor Responsibilities

All subrecipients and contractors are required to complete and submit the “Section 3, MWBE, FHEO and Davis Bacon Quarterly Report (**FCSM QR**)” to allow for periodic civil rights and labor standards compliance verification activities and support CDBG-DR/MIT reporting obligations for PRDOH.

Subrecipients and contractors are responsible for submitting monthly progress reports, including beneficiary data (race, ethnicity, and female head of household), that contribute to the QPR and DRGR reporting obligations of PRDOH.

If and when a subrecipient or contractor receives a discrimination complaint, they should follow the process set forth in the Complaints subsection of this Policy.

Subrecipients and contractors shall maintain and update the following records in accordance with the PRDOH Recordkeeping Policy, as applicable:

- Section 504 Self Evaluation and Transition Plan;
- Policy of Non-Discrimination;
- Discrimination complaint log and Discrimination complaint Process; and
- Jurisdiction-specific Analysis of Impediments (for entitlement jurisdictions).

Subrecipients and contractors will maintain Equal Employment Opportunity data, including:

- Personnel policies and standard operating procedures;
- Affirmative Action and/or Section 3 plans;
- Copies of any employment advertisements;
- Documentation of efforts to identify, train, involve, and/or hire minority and low-income residents;
- EEO Form-4 (if required); and
- Minority business participation including documentation of procurement efforts to solicit locally owned, minority, and women-owned businesses.

Subrecipients and contractors must maintain the following FHEO data related to projects and activities:

- AFHM Plan and supporting documentation, if applicable;
- Documentation of efforts to affirmatively further fair housing;
- Documentation of marketing and outreach activities;
- Documentation of any Reasonable Accommodation Requests made;
- LAP Compliance;

- Contractor Compliance: Records of any monitoring trips to project site and any findings; copies of contractors' monthly utilization report;
- Program Beneficiaries: Activity-level records of applicants and direct and indirect beneficiaries by race, ethnicity, and gender characteristics (i.e., male, or female head of household, etc.); and
- Displacement and/or Relocation: Data on race, head of household, age and income of persons affected.

## 5.7 Communication

PRDOH, subrecipients, and contractors shall take appropriate steps to ensure effective communication methods are implemented for individuals with disabilities in compliance with the laws and regulations above. Appropriate auxiliary aids shall be made available to afford individuals with disabilities the opportunity to clearly understand, participate in, and benefit from CDBG-DR/MIT Programs. The availability of accessible services, activities, and facilities shall be made known to the public, as per the following laws and regulations:

- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 *et seq.*
- Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101 *et seq.*
- Code of Federal Regulations, 24 C.F.R. § 8.6 – *Communications*.
- Act No. 131 of May 13, 1943, as amended, 1 L.P.R.A. § 13, known as the “Puerto Rico Civil Rights Act” – Discrimination in Public Places, Businesses, Transportation, and Housing
- Act No. 238-2004, as amended, 1 L.P.R.A. § 512(a), known as the *Bill of Rights of Persons with Disabilities*
- Act. No. 44 of July 2, 1985, as amended, 1 L.P.R.A. § 501, *et seq.*, known as the *Act to Prohibit Discrimination Against People with Physical, Mental, or Sensory Impairments*
- Act No. 22-2013, to amend Act. No. 100 of 1959, *supra*, Law to Prohibit Discrimination for Sexual Orientation and Gender Identity
- Act No. 266-2018, 1 L.P.R.A. § 501 note, *Equal Access to Information for the Deaf in the Advertising Campaigns of the Government of Puerto Rico Act*.

### 5.7.1 PRDOH Responsibilities

#### *Citizen Participation Plan*

As documented in PRDOH's Citizen Participation Plan, PRDOH will openly communicate and advertise the Action Plan and program updates and modifications in accordance with the policies set forth in the aforementioned Plan to ensure meaningful participation

and input from all sectors and population groups around Puerto Rico.<sup>30</sup> PRDOH is committed to implementing the policies and procedures in its Citizen Participation Plan which will ensure community participation in the development of CDBG-DR/MIT Programs.

### *Website*

In accordance with the regulations set forth in Federal Register Vol. 83, No. 28 (February 9, 2018), 83 FR 5844 and Federal Register, Vol. 84, No. 169, (August 30, 2019), 84 FR 45838, PRDOH maintains a public-facing, accessible CDBG-DR/MIT specific website.

Website pages including information regarding housing programs, applications, registrations, and other housing program-related information shall conspicuously display, in English and Spanish, the Fair Housing poster as well as the Equal Housing Opportunity logo, statement, or slogan, and description (see Appendix 3). When applicable, the website will use the international symbol of accessibility.

### *Intake, Sales/Rental Offices, and Call Centers*

Public-facing intake centers and sales/rental offices should ensure that they conspicuously display in English and Spanish the Fair Housing poster, and Equal Housing Opportunity logo, slogan, or statement. Intake centers shall also maintain copies of relevant affirmative fair housing marketing plans and policies for public review.

Individuals requesting program information, or applying via a call center should be informed that programs comply with PRDOH's Policy of Nondiscrimination and are designed to promote equal housing opportunity.

Call centers, sales/rental offices, and intake centers will be staffed by bilingual staff and include TTY phone systems.

### *Project Sites*

Projects associated with the sale or rental of housing units shall ensure that the project site maintains a sign that prominently displays the Equal Housing Opportunity logo, slogan, or statement.

### *Housing Advertisements*

All written advertisements for housing programs and housing availability must include the fair housing logo and statement or slogan on the letterhead or elsewhere displayed in a prominent location.

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<sup>30</sup> Puerto Rico Department of Housing Citizen Participation Plan are available in English and Spanish on the PRDOH website at: [Citizen Participation Plan - CDBG \(pr.gov\) \(English\)](#); [Plan de Participación Ciudadana - CDBG \(pr.gov\)](#) (Spanish).

### *Policy of Nondiscrimination*

On an annual basis, PRDOH will publish in a newspaper for general circulation, the notice, "Policy of Non-Discrimination on the Basis of Disability Status." The notice will state that PRDOH does not discriminate in admission or access to, or treatment or employment in its federally assisted programs and activities in accordance with PRDOH's Policy of Nondiscrimination. The notification will identify the responsible party for Discrimination complaints and grievances as summarized below.

The notification will be published in a manner that it is accessible for **hard-to-reach underserved populations** and members of the populations with disabilities.

The language in this notification must also be included in material used for recruitment or general information.

### **5.7.2 Subrecipient and Contractor Responsibilities**

#### *Website*

If a subrecipient or contractor maintains a website as part of the CDBG-DR/MIT program, the website shall be maintained in accordance with the regulations set forth in Federal Register Vol. 83, No. 28 (February 9, 2018), 83 FR 5844 and in the Federal Register, Vol. 84, No. 169, (August 30, 2019), 84 FR 45838.

Website pages including information regarding housing programs, applications, registrations, and other housing program-related information shall conspicuously display the Fair Housing poster and Equal Housing Opportunity logo, statement, or slogan, and description (see Appendix 3).

#### *Intake, Sales/Rental Offices and Call Centers*

Public-facing intake centers and sales/rental offices should ensure that they conspicuously display in English and Spanish the Fair Housing poster and Equal Housing Opportunity logo, slogan, or statement and maintain copies of relevant affirmative fair housing marketing plans and policies for review by the public.

Individuals requesting program information or applying via a call center should be informed that programs comply with PRDOH's Policy of Nondiscrimination and are designed to promote equal housing opportunity.

Call centers, sales/rental offices, and intake centers will be staffed by bilingual staff and include TTY phone systems.

#### *Project Sites*

Projects associated with the sale or rental of housing units shall ensure that the project site maintains a sign that prominently displays the Equal Housing Opportunity logo, slogan, or statement.

#### *Housing Advertisements*

All written advertisements for housing programs and availability shall include the fair housing logo and statement or slogan on the letterhead or elsewhere displayed in a prominent location.

#### *Policy of Nondiscrimination*

On an annual basis, subrecipients or contractors with fifteen (15) or more employees will publish in a newspaper for general circulation, the notice, "Policy of Non-Discrimination on the Basis of Disability Status." The notice will state that the subrecipient or contractor does not discriminate in admission or access to, or treatment or employment in its federally assisted programs and activities in accordance with the subrecipient's or contractor's Policy of Nondiscrimination. The notification will identify the responsible party for Discrimination complaints and grievances as summarized below.

The notification will be published in a manner that it is accessible for hard-to-reach underserved populations and members of the populations with disabilities.

The language in this notification must also be included in material used for recruitment or general information.

## **6 Program or Contract Closeout and Monitoring**

This section applies to all projects, activities or programs funded, in part or completely, by PRDOH's CDBG-DR/MIT Programs including Housing, Economic Recovery, Planning, Infrastructure, and Multisector programs and activities.

PRDOH will perform a review of all documentation on file prior to a program closeout. Notification will be provided if documentation or reports are found to be missing and will be required to be completed in order to close out the program or contract.

Furthermore, PRDOH has the discretion to perform ongoing monitoring and onsite audits of Program Administering Entities and Program Contractors performance in compliance with the requirements contained in its policies and regulations which allow audits and monitoring activities at any time to ascertain compliance with this policy, and any other applicable local and federal rules and regulations. Notice of monitoring and auditing efforts will be given to the Program Administering Entities/Program Contractors with reasonable time.

## 7 Appendixes

### Appendix 1: Model Contract Policy of Nondiscrimination

Section XXX. EQUAL OPPORTUNITY for any contractor working with CDBG-DR/MIT funding:

A - The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

B - The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

C - When applicable, the CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the CONTRACTOR'S commitments under this Section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D - The CONTRACTOR will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and as supplemented by the rules, regulations, and relevant orders of the United States Secretary of Labor.

E - The CONTRACTOR will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

F - In the event of the CONTRACTOR'S noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the CONTRACTOR may

be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

G - The CONTRACTOR will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (F) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The CONTRACTOR will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however, that in the event a CONTRACTOR becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States.

## **Appendix 2: Nondiscrimination in Subrecipient Agreements**

### A. Nondiscrimination

The subrecipient shall comply with 24 C.F.R. Part 6, which implements the provisions of sections 109 of title I of the Housing and Community Development Act of 1974 (Title I) (42 U.S.C. § 5309) Section 109 provides that no person in the United States shall, on the grounds of race, color, national origin, religion or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal financial assistance.

The subrecipient shall adhere to the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107) (hereinafter, the "Age Discrimination Act") and the prohibitions against discrimination on the basis of disability under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794) (Section 504). Section 109 of the Housing and Community Development Act of 1974 makes these requirements applicable to programs or activities funded in whole or in part with CDBG-DR/MIT funds. Thus, the subrecipient shall comply with regulations of 24 C.F.R. Part 8, which implement Section 504 for HUD programs, and the regulations of 24 C.F.R. Part 146, which implement the Age Discrimination Act for HUD Programs.

The Subrecipient shall ensure that all CDBG-DR/MIT activities conducted by itself, or its contractors are consistent with the applicable and local provisions, regulations, and



policies that prohibit discrimination on the basis of race, creed, color, national origin, religion, sex, disability, familial status, actual or perceived sexual orientation or gender identity, marital status, or age, as established in the CDBG-DR/MIT Fair Housing and Equal Opportunity (FHEO) Policy for CDBG-DR/MIT Programs.

#### B. Architectural Barriers Act and the Americans with Disabilities Act

The Subrecipient shall ensure that its activities are consistent with requirements of Architectural Barriers Act and the Americans with Disabilities Act.

The Architectural Barriers Act of 1968 (42 U.S.C. §§ 4151-4157) requires certain Federal and Federally funded buildings and other facilities to be designed, constructed, or altered in accordance with standards that ensure accessibility to, and use by, physically handicapped people. A building or facility designed, constructed, or altered with funds allocated or reallocated under this part after December 11, 1995, and that meets the definition of "residential structure" as defined in 24 C.F.R. § 40.2 or the definition of "building" as defined in 41 C.F.R. § 101-19.602(a) is subject to the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. §§ 4151-4157) and shall comply with the Uniform Federal Accessibility Standards (appendix A to 24 C.F.R. Part 40 for residential structures, and appendix A to 41 C.F.R. Part 101-19, subpart 101-19.6, for general type buildings).

The Americans with Disabilities Act (42 U.S.C. § 12131; 47 U.S.C. §§ 155, 201, 218 and 225) (ADA) provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. It further provides that discrimination includes a failure to design and construct facilities for first occupancy no later than January 26, 1993, that are readily accessible to and usable by individuals with disabilities. Further, the ADA requires the removal of architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal is readily achievable—that is, easily accomplishable and able to be carried out without much difficulty or expense.

The Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 C.F.R. § 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

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

##### 1. General Compliance:



The Subrecipient shall comply with the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352), as amended and 24 C.F.R. §§ 570.601-602. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this Agreement. The specific nondiscrimination provisions at 24 C.F.R. § 1.4 apply to the use of these funds. The Subrecipient shall not intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by title VI of the Civil Rights Act of 1964 or 24 C.F.R. part 1, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under 24 C.F.R. part 1. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of 2 C.F.R. part 1, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

## 2. Assurances and Real Property Covenants:

As a condition to the approval of this Agreement and the extension of any Federal financial assistance, the Subrecipient assures that the program or activities described in this Agreement shall be conducted and the housing, accommodations, facilities, services, financial aid, or other benefits to be provided shall be operated and administered in compliance with all requirements imposed by or pursuant to this Part 1.

If the federal financial assistance under this Agreement is to provide or is in the form of personal property or real property or interest therein or structures thereon, the Subrecipient's assurance herein shall obligate the Subrecipient or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the Subrecipient for the period during which Federal financial assistance is extended pursuant to the contract or application.

This assurance gives the PRDOH and the United States a right to seek judicial enforcement of the assurance and the requirements on real property.

In the case of real property, structures or improvements thereon, or interests therein, acquired with Federal financial assistance under this Agreement or acquired with CDBG-DR/MIT funds and provided to the Subrecipient Under this Agreement, the instrument effecting any disposition by the Subrecipient of such real property, structures or improvements thereon, or interests therein, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for

a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

If the Subrecipient receives real property interests or funds for the acquisition of real property interests under this Agreement, to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance, the nondiscrimination requirements of this part 1 shall extend to any facility located wholly or in part in such space.

### 3. Women and Minority Owned Businesses (W/MBE)

The subrecipient shall take affirmative steps, listed in 2 C.F.R. § 200.321 (b) (l) through (5), to assure minority businesses, women's business enterprises, and labor surplus area firms are used, when possible, when the SUBRECIPIENT procures property or services under this Agreement. In accordance with this Agreement, "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. § 632), and "minority and women's business enterprise" means a business at least fifty-one percent (51%) owned and controlled by *minority group members or women*<sup>31</sup>. The SUBRECIPIENT may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

In compliance with the CDBG-DR/MIT Minority and Women-Owned Business Enterprise Policy (M/WBE Policy), the SUBRECIPIENT shall complete a utilization plan to identify how they execute on successfully achieving the contracting goals for MBE and WBEs. SUBRECIPIENT shall also complete quarterly reporting to provide information on contracting opportunities and payouts provided to WBE or MBE contractors or subcontractors. The SUBRECIPIENT shall also document their efforts and submit those to PRDOH on a quarterly basis. See the M/WBE Policy, as found in the CDBG-DR/MIT Website ([www.cdbg-dr.pr.gov](http://www.cdbg-dr.pr.gov)) which is herein included and made integral part of this Agreement, as it may be updated from time to time.

### 4. Notifications

The SUBRECIPIENT will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the SUBRECIPIENT's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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<sup>31</sup> *Minority Group Members*- for purposes of the policy are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian- Americans, and American Indians.

## 5. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement

The Subrecipient shall, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

### Appendix 3: Equal Housing Opportunity Documentation

#### Fair Housing Poster

English: [https://www.hud.gov/sites/documents/Fair\\_Housing\\_Poster\\_Eng.pdf](https://www.hud.gov/sites/documents/Fair_Housing_Poster_Eng.pdf)

Spanish: [https://www.hud.gov/sites/documents/Fair\\_Housing\\_Poster\\_Sp.pdf](https://www.hud.gov/sites/documents/Fair_Housing_Poster_Sp.pdf)

#### Equal Housing Opportunity Logo



#### Equal Housing Opportunity Slogan:

"Equal Housing Opportunity."

#### Equal Housing Opportunity Statement:

"We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, or national origin."

### Appendix 4: Equal Employment Opportunity Documentation

In compliance with the requirements of the Equal Opportunity Employment Commission, PRDOH, subrecipients, and contractors shall display the Equal Employment Opportunity "It's the Law" posters in English<sup>32</sup> and Spanish<sup>33</sup> in conspicuous locations.

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<sup>32</sup> EEO poster in English,

<https://www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/posters/pdf/eeopost.pdf>.

<sup>33</sup> EEO poster in Spanish,

<https://www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/posters/pdf/eeosp.pdf>.

## Equal Employment Opportunity Poster

**Equal Employment Opportunity is**  
THE LAW

**Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**  
Apply to all employers of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following basis:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**  
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination on the basis of race, color, religion, sex, national origin, age, marital status, pregnancy, childbirth or related medical conditions, genetic information (including family medical history), and requests for or receipt of genetic services by applicants, employees, or their family members.

**DISABILITY**  
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**  
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (GENDER)**  
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work. A law that requires equal pay for equal work, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**  
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employer acquisition of genetic information and strictly limits the uses of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of disease or disorder in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**  
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**  
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly upon discrimination is suspected.  
 The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-646-6800 (toll-free) or 1-800-877-8339 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

**La igualdad de oportunidades de empleo es**  
LA LEY

**Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo**  
Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

**RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA**  
El Título VII de la Ley de Derechos Civiles de 1964, enmendada, protege a los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo contra la discriminación en función de raza, color, religión, sexo, origen nacional o étnico, edad, estado matrimonial, embarazo, parto o condiciones relacionadas con el embarazo, información genética (incluyendo el historial médico familiar) y solicitudes de servicios genéticos por parte de los postulantes, empleados o miembros de su familia.

**DISCAPACIDAD**  
Las Títulos I y V de la Ley de Estadounidenses con Discapacidades de 1990, enmendada, protegen a las personas calificadas contra la discriminación en función de su discapacidad en el empleo. La ley prohíbe a los empleadores, los gobiernos locales, los estatales, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo, la discriminación contra a las personas basadas en su discapacidad que sea en el empleo, o en el acceso a un procedimiento de discriminación o que, de otro modo, oponerse a una práctica laboral lícita.

**EDAD**  
La Ley de Discriminación por Edad de 1967, enmendada, protege a los postulantes y empleados de 40 años de edad o mayores de la discriminación en el empleo basándose en su edad en el empleo. La ley prohíbe a los empleadores, los gobiernos locales y estatales, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo, la discriminación contra a las personas basadas en su edad en el empleo, o en el acceso a un procedimiento de discriminación o que, de otro modo, oponerse a una práctica laboral lícita.

**SEXO (GÉNERO)**  
Además de la discriminación por sexo prohibida por el Título VII de la Ley de Derechos Civiles, enmendada, la Ley de Igualdad de Salarios de 1963, enmendada, prohíbe la discriminación en el pago de los salarios a las mujeres y los hombres que realicen trabajos de igual valor, es decir, que realicen los mismos trabajos, o trabajos de igual valor, en términos de responsabilidad, condiciones laborales similares u otros, en el mismo establecimiento.

**GENÉTICA**  
El Título II de la Ley de Estadounidenses con Discapacidades de 2008, enmendada, protege a los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo contra la discriminación en función de información genética. La Ley también restringe la adquisición de información genética por parte de los empleadores y limita el uso de información genética. La información genética incluye información sobre pruebas genéticas de los postulantes, empleados o miembros de su familia; la manifestación de enfermedades o trastornos de los miembros de la familia (historial médico familiar); y solicitudes de servicios genéticos por parte de los postulantes, empleados o miembros de su familia.

**RETRIBUCIÓN**  
Además de la discriminación por sexo prohibida por el Título VII de la Ley de Derechos Civiles, enmendada, la Ley de Igualdad de Salarios de 1963, enmendada, prohíbe la discriminación en el pago de los salarios a las mujeres y los hombres que realicen trabajos de igual valor, es decir, que realicen los mismos trabajos, o trabajos de igual valor, en términos de responsabilidad, condiciones laborales similares u otros, en el mismo establecimiento.

**QUE DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN**  
Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades de Empleo (EEOC) para actuar en su nombre, si cree que ha sido discriminado, debe contactar a EEOC lo antes posible y presentar un escrito de denuncia antes de que expire el plazo de tiempo para hacerlo. EEOC puede ayudarle a comprender sus derechos y a presentar un escrito de denuncia. EEOC también puede ofrecer asistencia para la denuncia. Para obtener más información sobre EEOC, visite [www.eeoc.gov](http://www.eeoc.gov) o llame al 1-800-646-6800 (línea gratuita TTY para personas con discapacidad auditiva). EEOC también puede ofrecer asistencia adicional sobre la EEOC, incluido cómo presentar un cargo, en [www.eeoc.gov](http://www.eeoc.gov).

Printed Equal Employment Opportunity printed notices should also be made available in an accessible format, as needed, to persons with disabilities that limit the ability to see or read. Notices can be recorded on an audio file, provided in an electronic format that can be utilized by screen-reading technology or read to citizens, applicants, and employees who are visually impaired or suffer from hearing loss, or have limited reading ability.

## Equal Opportunity Employer Statement

*“We are an Equal Opportunity Employer and do not discriminate against any employee or applicant for employment because of reason of age, race, color, sex, sexual orientation, gender identity, social or national origin or social status, political affiliation, or political or religious ideology, or for being a victim or perceived as a victim of domestic violence, sexual aggression or stalking, for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces, or holding veteran status.*

**END OF POLICY.**