

CHAPTER 5 -- CIVIL RIGHTS

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CHAPTER 5

CIVIL RIGHTS

I. OVERVIEW

The federal and state civil rights requirements associated with CDBG grants are designed to ensure equal opportunity and access to all benefits derived from the Montana CDBG Program. Please read this entire chapter thoroughly -- all applicable instructions need to be followed to ensure civil rights compliance.

Please review the civil rights laws and regulations and their summaries in this chapter. A checklist of Civil Rights Responsibilities is found in **Exhibit 5-U**.

At Project Start-Up: There are several civil rights responsibilities of Grantees that must be completed during project start-up activities. These civil rights activities need to be completed prior to CDBG approval of any project drawdown requests. Included in start-up activities are **required civil rights compliance resolutions that must be passed by the local government**. Local government resolutions required during project start-up are resolutions for:

- (1) fair housing,
 - (2) equal employment opportunity,
 - (3) Hatch Act political activities restrictions, and
 - (4) ADA and Section 504 handicapped accessibility and complaint resolution.
-

A. Essential civil rights activities to be completed at project start-up include the following:

1. Complete the following actions to support Fair Housing:

- a. **Adopt a Fair Housing Resolution** (Exhibit 5-M, sample *Fair Housing Resolution*).
- b. **Post fair housing notices and posters** (Exhibit 5-N, sample *Fair Housing Poster*).
- c. **Publicize affirmative fair housing rights and responsibilities**.
- d. **Distribute fair housing brochures**. See **Exhibit 5-O**, *Fair Housing Handout and Complaint Pamphlet*, and other brochures available from MDOC/CDBG) explaining fair housing rights, practices and statutory requirements. **Exhibit 5-P** provides a sample housing program notice.

2. Complete the following actions to meet CDBG's requirements concerning the *Americans with Disabilities Act of 1990 (ADA)* and *Section 504 of the Rehabilitation Act of 1973*.

- a. **Adopt complaint resolution procedures concerning ADA and Section 504** to ensure compliance with Section 504 of the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990 (ADA)*. These procedures must allow for prompt and equitable resolution of charges alleging non-compliance with ADA. (See **Exhibit 5-R** for sample *Section 504 and ADA Complaint Resolution Procedures*).

- b. **Conduct an ADA Self-Evaluation Inventory (Analysis of Impediments) of local public facilities and buildings** to determine the extent of local compliance with ADA requirements. Inventory checklists are available from CDBG.
- c. **Prepare an ADA Transition Plan for Handicapped Accessibility to Public Facilities** (based on the ADA Self-Evaluation Inventory). See pages 5-22 and following for more details about ADA self-evaluation and ADA transition plan requirements. Review the example given in **Exhibit 5-S, *Sample ADA Self-Evaluation Inventory and Transition Plan*** and see **Exhibit 5-T** for state and national contacts for ADA Information and Assistance.

Possible exception: If doing this ADA work in a, b and c (inventory, analysis, transition plan and passage of civil rights resolutions) *at project start-up* would cause a major hardship for your project given existing local resources during the project's start-up phase, please contact your project's CDBG liaison to discuss and agree upon an alternative timetable and plan for meeting these requirements as soon as feasible in your project schedule.

- 3. **Adopt a Hatch Act Resolution (Exhibit 5-Q, sample *Hatch Act Resolution*)**, and:
 - inform local government officials and CDBG grantee employees of the provisions of the Hatch Act; and
 - designate a local government representative to disseminate the information and brochure regarding Hatch Act responsibilities.
- 4. **Adopt an Equal Employment Opportunity (EEO) Policy Resolution (Exhibit 5-A, sample *Equal Employment Opportunity Policy*)**. **This is required because nondiscrimination also applies to employment practices.** CDBG grantees may not deny employment on the basis of race, color, national origin, age, sex, or handicap.
 - Review existing local employment policies and include the EEO policy in your local government policy manual/handbook.
 - Inform local government officials and employees, the public, and those applying for employment with the local government of the provisions of your EEO policy.
 - Designate a person to disseminate the information and oversee EEO responsibilities and compliance. See **page 5-8** and following below for more about **equal employment opportunity compliance**, which can be pursued in a number of ways, such as:
 - Job opening advertisements must include the following phrase:

“(Grantee or Contractor Name) is an Equal Opportunity Employer. Minorities and women are encouraged to apply.”
 - Notify nearby minority organizations of job openings.
 - Maintain employment records related to equal employment opportunity.
- 5. **Publish Exhibit 5-B (sample *Section 3 Public Notice: Economic Opportunities for Low-Income and Moderate Persons*) or its equivalent** in order to inform the community of

employment and business opportunities and to demonstrate compliance with Section 3 requirements. Section 3 activities can be reported on forms in Exhibit 9-I or 13-H.

The Section 3 notice should be published each time a major procurement action is undertaken on a project. For most projects this would mean publishing the first Section 3 notice at the time of issuing a Request for Proposals (RFP) or Request for Qualifications (RFQ) to hire a project engineer or architect. The second Section 3 notice should be published at the time the project goes to construction bid.

6. **Place the required appropriate contract language regarding civil rights in bid documents and in all contracts.** See Chapter 3, Procurement and **Exhibit 3-F**

B. Civil rights action to be taken during the course of your project after start-up is completed:

- **Take action during the entire course of your project to ensure that no one is discriminated against in receiving services and benefits from the CDBG project.** Generally, minority persons should benefit at least in proportion to their percentage of the community's or project area's overall population.
- **Gather and record the information that shows how your project meets requirements that are applicable to those CDBG projects with direct benefits to individuals:** Keep records of **direct beneficiaries** by using **Exhibit 5-D (Individual Direct Benefit Recording Form to be Completed by Head of Household)** and **Exhibit 5-E Direct Benefit Summary Data.** Exhibit 5-E is the same as Exhibit 13-D which is needed for Project Closeout.
- **Complete Exhibit 5-J (Contract Reporting Form) at the time that each contract and subcontract exceeding \$10,000 is awarded,** including contractors and subcontractors that are not minority owned.
- **Be diligent and consistent in implementing the project's civil rights responsibilities and be ready to explain to local citizens the purpose and importance of the civil rights laws and requirements in the CDBG program.**
- The federal and state civil rights requirements associated with CDBG grants are designed to ensure equal opportunity and access to all benefits derived from the Montana CDBG Program. **The purpose of the laws is to protect people from discrimination on the basis of:**
 - **Age**
 - **Color**
 - **Creed (fundamental beliefs)**
 - **Marital Status**
 - **National Origin**
 - **Physical or Mental Handicap**
 - **Gender**
 - **Race**
 - **Religion**
 - **Political Ideas**
 - **Family Status (Families With Children)**

Population groups specifically protected by the provisions of these laws include:

- **Minorities** (for example: Blacks, Hispanics, Native Americans, Alaskan Natives, Asians, and Pacific Islanders);

- **Women;**
- **Groups distinguished by age** (for example: elderly); and
- **Physically or mentally handicapped persons.**

For purposes of the CDBG Program, **the groups listed above (commonly referred to as protected groups) are specifically protected from discrimination in the following areas:**

- **Housing:** Generally this includes the sale or rental of housing, and the financing, advertising or provision of brokerage services. There are other specific acts of discrimination that are equally illegal. Nondiscrimination requirements in this area are referred to as *fair housing*;
- **Employment:** This applies to government employment, employment by government contractors or subcontractors, and employment under all construction contracts funded in whole or in part with federal money. These provisions are referred to as *equal employment opportunity*; and
- **Participation in or Benefits Derived from CDBG Funded Activities:** This means that no one who is eligible may be excluded from participating in any CDBG-funded activity, nor may they be denied any benefits resulting from activities funded in whole or in part with CDBG money.

II . APPLICABLE REQUIREMENTS

Several federal and state statutes, portions of the CDBG regulations, and three Presidential Executive Orders contain *civil rights* and *affirmative action* provisions that apply to all programs funded with federal monies. Civil rights compliance and monitoring responsibilities are outlined in the following summary of federal and state laws, Executive Orders and CDBG program regulations.

A. FEDERAL CIVIL RIGHTS REQUIREMENTS

1. **The Federal Hatch Act (5 USC 1501, et seq; 5 CFR, Part 151) restricts the political activities of certain public employees who may be connected with federally funded programs.** In passing the Hatch Act in 1939, Congress declared that the partisan political activities of federal employees, employees of the District of Columbia government, and certain employees of state and local governments must be limited in order for public institutions to function fairly and effectively. <http://www.osc.gov/hatchact.htm>

The Hatch Act means that employees in agencies who receive federal financial assistance may not use official authority to influence or interfere with the outcomes of elections or nominations, or to directly or indirectly coerce contributions from subordinates to support a political party or candidate.

To comply with the Hatch Act, CDBG grantees are required to:

- Inform all employees of the provisions of the Hatch Act, and
- Adopt a policy of compliance with Hatch Act regulations.

- **Exhibit 5-Q**, sample *Hatch Act Resolution*, has been provided for use by CDBG grantees to document their efforts to comply with Hatch Act requirements.

To assist with Hatch Act compliance, each grantee should obtain a copy of the **U.S. Merit System Protection Board (MSPB)** brochure entitled, ***Political Activity and the State and Local Employee***, which provides additional information about the Hatch Act, available at: http://www.osc.gov/documents/hatchact/ha_sta.pdf

Advisory opinions concerning Hatch Act issues may be obtained directly from the MSPB Office of the Special Counsel, <http://www.osc.gov/hatchact.htm>, by using their toll-free telephone number -- 1- (800) 85-HATCH or (800) 854-2824.

Established by the Civil Service Reform Act of 1978, the MSPB Board serves as guardian of the Federal Government's merit-based system of employment, principally by hearing and deciding appeals from Federal employees of removals and other major personnel actions. The Board also hears and decides other types of civil service cases, reviews regulations of the Office of Personnel Management, and conducts studies of the merit systems. Additional information may be obtained from the MSPB's web site, www.mspb.gov

2. **Title VII of the Civil Rights Act of 1964**. Title VII provides that no person in the United States shall on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <http://www.eeoc.gov/policy/vii.html>

Action required: CDBG grantees must adopt and also enforce a nondiscrimination policy designed to ensure that all project activities funded in whole or in part with CDBG funds are conducted in a manner that will not cause discrimination. This means the program must be administered in a nondiscriminatory manner to provide benefits on an equal, non-segregated basis.

Action required: Nondiscrimination also applies to employment practices. CDBG grantees may not deny employment on the basis of race, color, national origin, age, sex, or handicap. **Furthermore, affirmative action and equal employment opportunity policies are fundamental aspects of the CDBG program.** (See **Exhibit 5-A** for an example of an *Equal Employment Opportunity Policy*).

3. **The Cranston-Gonzalez National Affordable Housing Act of 1990, Title II, Section 282 [42 USC 12832]**. The nondiscrimination clause of the *National Affordable Housing Act of 1990*, <http://www.hud.gov/offices/cpd/affordablehousing>, states 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 funds made available under this subchapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 794 of title 29 (Labor) shall also apply to any such program or activity.

4. **Section 504 of the Rehabilitation Act of 1973**, as amended (29 USC 794). Section 504 is explicitly incorporated into Title II, Subtitle F, **§282** of the **National Affordable Housing Act** of 1990, <http://www.section508.gov/index.cfm?FuseAction=Content&ID=15>. Section 504 states that:

No otherwise qualified handicapped individual in the United States, as defined in section (7) shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Although similar in wording to Title VII and other laws, **§504 of the Rehabilitation Act** differs conceptually from **Title VII of the Civil Rights Act** and **§282 of the National Affordable Housing Act**.

- **The premise of Title VII and §282** is that there are no inherent differences or inequalities between the general public and the persons protected by these provisions; therefore, there should be no differential treatment in the administration of federal programs.
- **The premise of §504** is that **affirmative steps must be taken to ensure that persons who are inherently unequal** (handicapped persons) **are not discriminated against as a result of administrative procedures or CDBG project activities**. Handicapped persons may need different treatment in order to be afforded equal access to federally assisted programs and activities; thus identical treatment may, in fact, constitute discrimination.
- **Section 504 provisions are explicitly incorporated into federal Housing and Urban Development (HUD) implementing regulations at 24 CFR, Part 8, *Nondiscrimination Based on Handicap in Federally-assisted Programs and Activities of the Department of Housing and Urban Development***, found at: http://www.access.gpo.gov/nara/cfr/waisidx_98/24cfr8_98.html
- The following definitions of **handicapped family** and **handicapped person** apply:

Handicapped family: As outlined in Appendix B to 24 CFR, Part 8, lower-income housing and the Section 8 housing assistance programs operate under **the following definition of handicapped person or family** found in §3(b)(3), *United States Housing Act of 1937*, as amended:

Families consisting of a single person in the case of a person who is at least sixty-two years of age or is under a disability; or two or more persons, the head of which (or the spouse) is sixty-two years of age or over or is under a disability as defined in §223 of the Social Security Act or in §102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 or is handicapped.

Handicapped person: A person is considered **handicapped** if such person is determined, pursuant to regulations issued by the Secretary, to have:

an impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently; and (C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered handicapped if such person is a developmentally disabled individual as defined in Section 102(a)(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1950.

To comply with Section 504's protection of the rights of handicapped persons, CDBG grantees are required to:

- provide qualified handicapped persons with benefits and services that are as effective as those provided to non-handicapped individuals;
- avoid aiding or perpetuating discrimination against qualified handicapped persons;
- afford qualified handicapped persons with the opportunity to participate as members of planning or advisory bodies; and\
- utilize criteria or methods of administration that do not subject qualified handicapped persons to discrimination.

5. **The Americans with Disabilities Act (ADA) of 1990**. The Americans with Disabilities Act (ADA) of 1990 **guarantees equal opportunity in employment, public accommodations, transportation, state and local government services, and telecommunications, for individuals with disabilities**. The ADA became law on July 26, 1990, and became fully effective on January 26, 1992. <http://www.usdoj.gov/crt/ada/adahom1.htm>

The ADA borrows much of its substantive framework and language from Section 504 of the *Rehabilitation Act* of 1973. Therefore, if a CDBG grantee works toward compliance, or is in compliance with Section 504, it will also generally be in compliance with ADA, and vice versa.

US Department of Justice website for ADA information/technical assistance:

<http://www.usdoj.gov/crt/ada/adahom1.htm>

6. **Architectural Barriers Act of 1968** (42 USC 4151-4157). HUD regulations at 24 CFR, Part 40, prescribe standards for the design, construction, and alteration of *publicly owned* residential structures to ensure that physically handicapped persons will have ready access to, and use of, such structures. Appendix A of 24 CFR, Part 40, provides a detailed discussion of the *Uniform Federal Accessibility Standards*. <http://www.access-board.gov/about/laws/ABA.htm>
7. **Fire Administration Authorization Act of 1992** [as implemented under provisions of 24 CFR 8.4(b)(1)(iii) and (iv); 24 CFR 8.32, Uniform Federal Accessibility Standards (UFAS) and UFAS 4.28, Alarms]. These regulations state the conditions under which fire alarm systems must be equipped with visual and/or sensory alarm systems (or appropriate wiring for later installation of same), as a reasonable accommodation to persons with disabilities. <http://www.hud.gov/offices/cpd/lawsregs/notices/priorto95/cpd9405.pdf>

8. **The Age Discrimination Act of 1975** (42 U.S.C. 6101 et seq.) is explicitly incorporated into Title II, Subtitle F, §282 of the *National Affordable Housing Act* of 1990.

CDBG grantees are responsible for ensuring that no individuals will be discriminated against on the basis of age. The *Age Discrimination Act* states that:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

http://www.dol.gov/oasam/regs/statutes/age_act.htm

9. **Equal Employment Opportunities under HUD Assisted Contracts -- Executive Order 11246, as amended by Executive Order 11375.**

Nondiscrimination in employment is required for all federally assisted contracts. Grantees are required to institute affirmative actions to ensure equality of opportunity in all aspects of employment and implement assurances that the regulations are adhered to.

Consistent with rules and regulations promulgated by the U.S. Department of Labor, HUD has prescribed standards and procedures for compliance with Executive Order 11246 in 24 CFR, Part 7, *Equal Employment Opportunity*. Executive Order 11246 is available on-line at: <http://www.dol.gov/esa/ofccp/regs/compliance/fs11246.htm>

Under the terms of Executive Order 11246, **CDBG grantees are required to:**

- include the *equal opportunity clause* in all non-exempt federally-assisted contracts for more than \$10,000, as set forth in §202 of Executive Order 11246; and
- ensure that all federally-assisted construction contractors and subcontractors on a CDBG-assisted construction project take affirmative actions to ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, or national origin.

The U.S. Equal Employment Opportunity Commission has a website (*Questions And Answers concerning Federal Laws Prohibiting Job Discrimination*) that you can consult for additional guidance: <http://www.eeoc.gov/facts/qanda.html>

10. **Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) -- as amended by the Fair Housing Amendments Act of 1988**, provides for **fair housing** throughout the United States. <http://www.hud.gov/offices/ftheo/progdesc/title8.cfm>

- See <http://www.hud.gov/offices/ftheo/FHLaws/> **Fair Housing Laws and Presidential Executive Orders.**
- **As of March 12, 1989, Title VIII provisions also include, as a protected group (for purposes of furthering fair housing), *families with children.***
- **Title VIII requires that affirmative actions be taken by CDBG grantees to further fair housing opportunities within their jurisdictions.**
- **CDBG grantees must comply with Title VIII of the Civil Rights Act of 1968, as amended, by administering all programs and activities related to housing and community development in a manner that affirmatively furthers fair housing in the sale or**

rental of housing, the financing of housing, and the provision of brokerage services.

11. **Fair Housing Act, Executive Order 11063-- as amended by Executive Order 12259 (Equal Opportunity in Housing)**. <http://www.archives.gov/federal-register/codification/executive-order/12259.html>

The Fair Housing Act requires HUD (and therefore CDBG grantees) **to take all actions necessary and appropriate to prevent discrimination in housing and related facilities that are funded in whole or in part with federal financial assistance. Federally funded activities that fall under these provisions include:**

- mortgage insurance
- guaranty programs, and
- grants used to acquire, clear, relocate or otherwise prepare a housing site.

The Act's provisions are also binding on housing-related practices of lending institutions, insofar as such practices relate to loans ensured and guaranteed by the federal government.

Each CDBG grantee must affirmatively further fair housing. Title VIII of the *Civil Rights Act* and Executive Orders 11063 and 12259 require the CDBG grantee to:

- promote maximum choice within the community's total housing supply;
- lessen racial, ethnic, and economic concentrations; and
- facilitate desegregation and racially inclusive patterns in the occupancy and use of public facilities.

12. **Section 3 of the Housing and Urban Development Act of 1968, as amended.** <http://www.hud.gov/offices/ftheo/section3/section3.cfm>

Section 3 requires that to the greatest extent feasible:

- **opportunities for training and employment must be given to lower-income residents of CDBG-assisted projects; and**
- **that contracts for work in connection with such projects should be awarded to business concerns located in, or owned in substantial part by "project area" residents.** (See Chapters 13, Exhibit 13-H, for additional information about required Section 3 reporting by CDBG grantees at the time of project closeout.) Businesses may self-identify by registering at HUD's Section 3 Business Registry: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/BRegistryHome>.

In applying Section 3 regulations to CDBG projects, the project area is determined as follows:

- For municipalities, the project area is the county in which the municipality is located. First consideration should be given to persons living in or businesses located in or closest to the project activities;
- For counties, in most cases, the entire county will be considered the Section 3 project area;
- For Community Housing Development Organizations (CHDOs), the grantee should check with their assigned CDBG Program Specialist to determine the appropriate project area for their CDBG program activities.

13. **Women's Business Enterprises and Minority Business Enterprises – Executive Orders 11625, 12138 and 12432.**
<http://www.hud.gov/offices/cpd/affordablehousing/training/web/crosscutting/employment/eeominority.cfm> These regulations establish **the development of Women's and Minority Business Enterprises (DBEs) as a national priority.**

A list of Montana Disadvantaged Business Enterprises created by the Montana Department of Transportation (MDT) Disadvantaged Business Enterprise Program may be found by calling MDT at (406) 444-6337 or downloaded from their web site:
<http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml> .

The HUD regulations in 24CFR, Part 85 establish procurement standards to be followed in federal assistance programs.

- Among the provisions of 24 CFR, Part 85 is **the requirement that grantees and any sub-grantees take all necessary affirmative steps to ensure that DBEs in labor surplus areas are used when possible in the procurement of goods and services for CDBG funded activities.**

http://fhasecure.gov/offices/lead/library/lead/24_CFRPART_85.pdf

In order to accomplish this DBE-related objective, CDBG grantees must take the following affirmative steps:

- place qualified small and minority businesses and women's business enterprises on bid solicitation lists;
- ensure that small and minority businesses and women's business enterprises are solicited whenever they are potential sources of goods or services;
- divide total requirements -- when economically feasible and consistent with state law -- into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- establish delivery schedules which encourage participation by small and minority businesses and women's business enterprises whenever possible;
- use the services and assistance of the U.S. Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and

- require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in the above paragraphs.

Outreach to qualified DBE and WBE firms should be undertaken each time a procurement action is undertaken. For most projects this would mean copying DBE and WBE firms at the time of issuing a Request for Proposals (RFP) or Request for Qualifications (RFQ) to hire a project engineer or architect. Another outreach effort should be conducted when the project goes to construction bid.

14. **24 CFR, Part 85 – HUD Administrative Requirements for Grants (Basic Federal Regulations)**

The HUD Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments (24CFR, Part 85) can be found at several locations, including:

- http://www.access.gpo.gov/nara/cfr/waisidx_99/24cfr85_99.html,
- http://fhasecure.gov/offices/lead/library/lead/24_CFRPART_85.pdf, and
- <http://www.hud.gov/offices/cpo/grantees/24cfr84.doc>

15. **EEOC Compliance Manual Section on Prohibition of National Origin Discrimination.**

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background.

National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality. Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else.

The U.S. Equal Employment Opportunity Commission (EEOC, <http://www.eeoc.gov/>) on 12/2/02 issued guidance/questions/answers regarding the prohibition against national origin discrimination that is included in Title VII of the Civil Rights Act of 1964. **Examples of national origin bias violations covered under Title VII include:**

- **Employment Decisions:** Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.
- **Harrassment:** Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.
- **Language:** *Accent discrimination:* An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance. *English fluency:* A fluency requirement is only permissible if required for the effective

performance of the position for which it is imposed. *English-only rules*: English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

B. STATE CIVIL RIGHTS REQUIREMENTS

Montana Human Rights Statutes -- Title 49. http://data.opi.state.mt.us/bills/mca_toc/49.htm
Portions of Title 49, *Montana's Human Rights statutes*, apply to CDBG grantee's program activities, and are summarized below.

State Civil Rights Requirements:

- In **employment**:
 - §49-2-303 MCA adds **marital status** to the list of protected categories (that is, grantees and their contractors and subcontractors must not discriminate against married or single persons in their employment practices); and §49-2-303 MCA adds **persons with physical and mental handicaps** to the protected categories. In addition, the *Montana Maternity Act*, part of the *Human Rights* statutes in §§49-2-310 and 49-2-311 MCA, prohibits certain employment actions related to pregnant persons in the areas of employment, maternity leave, employee benefits, and employment termination.
- In **housing**: §49-2-305 MCA lists protected categories that correspond to the federal list of protected categories. As with the employment statutes, protected categories include persons with physical or mental handicaps. Discrimination in housing based on marital status is also prohibited.
- **Human rights requirements that apply to CDBG program services or benefits**: In addition, to **Chapter 2 of Title 49, MCA (*Illegal Discrimination*)**, **Chapter 3 of Title 49, MCA (*Governmental Code of Fair Practices*)** establishes **human rights requirements that apply to CDBG program services or benefits**.
 - In particular, these regulations (http://data.opi.mt.gov/bills/MCA_toc/49.htm) address hiring and employment policies and practices. Montana state law lists race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, and national origin as protected groups.
- **Chapter 4 of Title 49, MCA (*Rights of Persons with Disabilities*)** establishes requirements and policies regarding *handicapped persons*, and defines the rights of handicapped persons under state law, especially the right to nondiscrimination in employment and housing. http://data.opi.mt.gov/bills/MCA_toc/49_4.htm
- **Montana's administrative rules implementing Title 49, MCA, contain minimum record-keeping requirements related to employment.** Administrative Rule 24.9.805 (Employment Records) requires that each employer subject to the U.S. EEOC/Equal Employment Opportunity Commission (i.e., those with 15 or more employees) maintain records on the gender, age, and race of employees.
<http://www.mtrules.org/gateway/ruleno.asp?RN=24.9.805>

- Those employers not subject to EEOC guidelines (those with less than 15 employees) are also urged to maintain records on race and gender.
- In any case, CDBG regulations require that grantees maintain beneficiary data. (See Section III, GRANTEE RESPONSIBILITIES).
- Any records employers are required to maintain must be kept on file for three years after program close-out, or through the period of affordability, whichever is greater.
- All employment records should be kept at least 6 months, including applications for employment. Keep these records in the CDBG Civil Rights File.

III. GRANTEE RESPONSIBILITIES CONCERNING CIVIL RIGHTS EFFORTS

Any actions taken by persons connected with CDBG program activities or by the grantee to carry out equal opportunity and fair-housing requirements should be documented in your CDBG Civil Rights Program files.

There are **six general areas, as listed below, for which efforts must be documented** during implementation of your CDBG program in order to **demonstrate a good faith effort to comply with federal civil rights requirements.**

- **Keep records in your CDBG *Civil Rights File* concerning the following six areas of civil rights responsibility:**
 1. **PROGRAM BENEFITS**: efforts to ensure minority participation in the program;
 2. **GRANTEE HIRING AND EMPLOYMENT PRACTICES**: the community's affirmative action plan and activities initiated to extend employment opportunities to minorities and women;
 3. **CONTRACTOR AFFIRMATIVE ACTION**: actions by contractors and subcontractors to employ minorities and women.
 4. **FAIR HOUSING**
 5. **ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING**: compliance with the federal mandate to administer all programs so as to affirmatively further housing availability, and to prevent discrimination in federally-assisted housing; and
 6. **HANDICAPPED ACCESSIBILITY REQUIREMENTS**: actions taken to ensure access by persons with physical and mental disabilities to federally assisted programs and activities.

1. **PROGRAM BENEFITS -- Civil Rights Responsibilities of CDBG Grantees**

- **Title VII of the Civil Rights Act of 1964** prohibits discrimination in any federally assisted program on the basis of race, color or national origin.
- **Section 109 (of Title I of the Housing and Community Development Act of 1974,** <http://www.hud.gov/offices/fheo/FHLaws/109.cfm>) prohibits discrimination and denial of

program benefits on the basis of sex, age, or handicap. Portions of the CDBG regulations relating to equal opportunity require grantees to document administrative methods designed to ensure nondiscrimination in project activities, in site selection criteria designed to benefit minorities, and any actions taken to overcome the effects of past discrimination.

- **Section 3 of the *Housing and Urban Development Act of 1968*** provides that, to the greatest extent feasible, opportunities for training and employment should be given to low and very low-income residents and businesses in the CDBG-assisted area.
 - **Demonstrating compliance with the Section 3 requirements and providing documentation of that compliance is *required* of all CDBG grantees. Documentation of Section 3 compliance efforts need to be included in the CDBG project's Civil Rights File.**
 - See **CDBG Exhibit 9-L** (Section 3 Summary Report: Economic Opportunities for Low- and Very Low-Income Persons). For official HUD information, see HUD's Section 3 website: <http://www.hud.gov/offices/fheo/section3/section3.cfm>
 - **One of the easiest ways to demonstrate Section 3 efforts is to publish a notice in the area newspaper when issuing a Request for Proposal (RFP) or Request for Qualifications (RFQ) to hire a project engineer or architect and at the stage of advertising for construction bids.**
 - **Exhibit 5-B, *Sample Section 3 Public Notice***, contains a sample form the grantee can use to inform the community of prospective employment and business opportunities. This notice should be published when major procurement actions are undertaken to ensure that the community has a reasonable opportunity to hear about the potential benefits of the CDBG project.
 - **Language in CDBG *Exhibit 5-C* pertaining to Section 3's civil rights requirements must be included in all requests for bids and for proposals, in all bid documents, and in all contracts.**
 - Place the advertisements in publications having a circulation among minority groups in the area of the project to ensure that potential contractors are aware that whenever possible they should be hiring and buying locally, thus extending CDBG benefits into the grantee's community.
 - The notation, *An Equal Opportunity Employer*, should be included on your letterhead when it is used for CDBG project-related correspondence.
 - **Grantees are required to keep a running tabulation of the race and gender of households in any direct benefit program** (such as families assisted through housing rehabilitation or jobs provided to individuals through an economic development project).

- See **Exhibit 5-D** (*Individual Direct Benefit Recording Form to be Completed by Head of Household*) and **Exhibit 5-E** (*Direct Benefit Summary Data form*).

2. **GRANTEE HIRING AND EMPLOYMENT PRACTICES -- Civil Rights Responsibilities of CDBG Grantees**

A. Grantees must maintain equal employment opportunity in hiring. Under the CDBG program, this falls under the requirements of **Title VII of the *Civil Rights Act***, which requires that grantees assure that there will be no discrimination in the benefits to be derived from the CDBG program including employment opportunities.

Title VII-related hiring actions that need to be undertaken by grantees (and documented in the project's Civil Rights file) to promote equal employment opportunity include keeping data concerning the grantee's affirmative actions for equal employment opportunity, including recruitment advertising, hiring, promotions, layoffs or terminations, pay and recruitment for training. **In order to meet these Title VI obligations, several steps can be taken by the grantee to increase employment opportunities for protected groups when hiring for the CDBG program:**

- Efforts should include advertisements in minority newspapers such as newspapers published on the reservations. (See **Exhibit 5-F** for a listing of *Tribal Newspapers and Newspapers Published Adjacent to Montana's Indian Reservations*).
- Any employment advertisements published could include the following statement:

The (... Name of Grantee ...) is an Equal Opportunity Employer.

- Other affirmative actions include notifying minority organizations located in the area of potential CDBG-related job openings and **making the agency's equal employment policies clearly known to everyone involved in hiring, promotion, and salary decisions.** (See **Exhibit 5-A** for a sample *Equal Employment Opportunity Policy*.) The grantee's personnel policies and procedures should be reviewed periodically to ensure compliance with these requirements.
- Employment recruitment records should include a summary of the number of applicants for each position relating to the CDBG Program, and the number of applicants who are minorities, women and handicapped persons. (See **Exhibit 5-G**, *Applicant Summary Sheet*.)
- There should also be documentation by race, gender and handicap of the number of persons interviewed and the reasons for the hiring decisions. (See **Exhibit 5-H**, *Interview and Hiring Form*.)

B. Grantees must maintain data and documentation regarding grantee hiring and employment practices. The CDBG grantee must maintain records documenting the following information regarding grantee employment practices:

- personnel policies;
- interview and hiring records;
- employee records (training, promotion, salary levels);
- data on overall employment of women and minorities (see **Exhibit 5-I**, *Grantee Employment Summary*); and
- employment data that indicates staff composition by race, sex, handicap status and national origin.

3. CONTRACTOR AFFIRMATIVE ACTION -- Civil Rights Responsibilities of CDBG Grantees

Executive Order 11246, <http://www.dol.gov/esa/ofccp/regs/compliance/fs11246.htm>:

- provides that no person shall be discriminated against in any phase of employment under federally assisted construction contracts; and
- requires that contractors take affirmative steps to ensure fair treatment in employment upgrading, transfer, recruitment, layoffs, rate of pay and selection for training.

A. Contracting with Disadvantaged Business Enterprises (DBEs) should be encouraged.

In addition to Executive Order 11246, requirements concerning women-owned and minority-owned business fall within the Contractor Affirmative Action requirements. **Disadvantaged Business Enterprises (DBEs)**, is a term used to collectively refer to both women-owned business enterprises, and minority-owned business enterprises.

- **Grantees should encourage the prime contractors on their projects to utilize DBE firms to the maximum extent possible.**
- **Exhibit 5-K** provides a sample letter of work notification to a DBE firm. The important thing is that DBE firms have the opportunity to bid, and are be encouraged to do so.

Examples of such affirmative actions to encourage contracting with DBEs include:

- Utilizing the local media, electronic and print, to market and promote contract and business opportunities for DBEs, including placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Developing procurement procedures that facilitate opportunities for DBEs to participate as vendors and suppliers of goods and services; including assuring that small and

minority businesses and women's business enterprises are solicited whenever they are potential sources;

- Developing informational and documentary materials (fact sheets, program guides, procurement forecasts, etc.) on contract/subcontract opportunities for DBEs;
- Sponsoring business opportunity-related meetings, conferences, seminars, etc., with minority and women business organizations;
- When economically feasible, (and where consistent with Montana law), dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority business and women's business enterprises;
- Establishing delivery schedules that encourage participation by small and minority business and women's business enterprises;
- Utilizing the services and assistance of the U.S. Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce.
- Requiring the prime contractor to take the affirmative steps outlined in the points above if subcontracts are to be let.
- Maintaining centralized records with statistical data on the utilization and participation of DBEs as contractors/subcontractors in all CDBG-assisted program-contracting activities in the CDBG project Civil Rights file.

Minimum HUD standards require the MDOC/CDBG Program to establish and oversee a minority and women business outreach program that is designed to be:

- a good faith, comprehensive and continuing endeavor;
- supported by a statement of public policy and commitment published in the electronic and print media of widest local circulation;
- supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official; and
- designed to utilize all available and appropriate public and private sector local resources.

Certification of DBEs: The Civil Rights Bureau of the Montana Department of Transportation (MDOT) conducts investigations of minority and women-owned businesses to determine if they can be certified as DBEs.

- Firms meeting the six eligibility standards set forth in 49 CFR, Part 23 may be eligible to participate in the State's DBE program.
- Firms located outside of Montana may also apply for certification within Montana if they are already certified in their CDBG State.
- DBEs must apply for re-certification annually.

DISADVANTAGED BUSINESS ENTERPRISES (DBEs)

All certified firms are listed in a DBE Directory that is updated periodically. This directory lists names, addresses and phone numbers of all DBEs certified in the State of Montana for transportation-related and some non-transportation-related goods and services.

When inviting project bid proposals, CDBG grantees should consult this directory and mail an announcement of all bid solicitations and Requests for Proposals to DBE firms within their region. The list can also be given to homeowners, if the owners select their own contractors.

Please contact:

**Montana Department of Transportation
Civil Rights Bureau - DBE Program
2701 Prospect Avenue
P.O. Box 201001
Helena MT 59620-1001**

**Phone: 800-883-5811 or 406.444-6337
TTY: 800-335-7592 | Fax: 406-444-7685**

A current directory of Montana DBEs may also be accessed via the Internet at:

<http://mdt.mt.gov/business/contracting/civil/dbe.shtml>

Exhibit 5-J, *Contract Reporting Form*, is used to document DBE Contract Awards for activities of \$10,000 or more.

- **The form should be completed at the time of bid award and updated if additional contractors or subcontractors perform work on the project involving activities of \$10,000 or more.**
- These forms should be kept in the CDBG Civil Rights File and are to be included as part of the final program closeout report.

Section 3 requirements vs. DBE requirements: In some communities, particularly smaller, rural ones, Section 3 commitments to use local businesses may seem to conflict with commitments to use minority and women-owned firms because no minority or women-owned firms exist within the community. **However, if the community makes reasonable efforts to solicit bids from appropriate local firms and also from DBE firms beyond the limits of their county (and documents these efforts), it is meeting both objectives and it may then select the lowest and best bidder.**

B. Grantees must maintain data and documentation concerning contracting with Disadvantaged Business Enterprises (DBEs).

Responsibilities of CDBG grantees include:

- Maintaining copies of notices of bid solicitations and Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) in the CDBG Program Management File. See Chapter 3 for more explanation of RFPs and RFQs.
- Keeping copies of (RFPs) and Requests for Qualifications (RFQs) and bid packages for individual projects in the appropriate CDBG Project File.

- Retaining data on the dollar amount of contract awards to DBE firms in the CDBG Civil Rights File.
 - Including equal opportunity clauses in all bid specifications and contracts.
 - Providing EEO notices for contractors to post in the workplace (see **Exhibit 5-L**, sample *Equal Employment Opportunity Poster*). Keep copies in your CDBG Civil Rights Program file.
 - Including DBE firms in bid solicitation and RFP and RFQ lists. Keep documentation in the CDBG Civil Rights File).
 - To the extent feasible, making employment and business opportunities available to project area residents. Keep documentation in the CDBG Civil Rights File.
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4. FAIR HOUSING -- Civil Rights Responsibilities of CDBG Grantees

- **Federal law obligates all grantees, regardless of project type or size, to take steps to “affirmatively further fair housing.”** Fair housing means that no person shall be subjected to discrimination (because of race, color, religion, sex, handicap, familial status, or national origin) in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions.
- **See <http://www.hud.gov/offices/fheo/FHLaws/> -- Fair Housing Laws and Presidential Executive Orders.**

**Fair housing laws, provisions and regulations apply to the community as a whole
-- not just to CDBG-supported housing projects --
and they are an essential part of the community's CDBG responsibilities.**

Specifically, under fair housing laws it is unlawful to:

- refuse to sell or rent a dwelling, or to negotiate for the sale or rental of a dwelling;
- discriminate in the terms, conditions or privileges involved in a sale or rental;
- engage in any conduct relating to the provision of housing that otherwise makes unavailable or denies dwellings;
- make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement (or make any oral statement) that indicates any illegal preference or limitation;
- select media or locations for advertising that deny particular population segments access to information about housing opportunities;
- impose different sales prices or rental charges upon a dwelling;

- use different qualification criteria or sale or rental standards or procedures (such as income standards, credit analyses, etc.);
- represent to any person that a dwelling is not available for sale or rental when such dwelling is in fact available;
- discourage any person from inspecting, purchasing or renting a dwelling (by exaggerating drawbacks, failing to inform them of desirable features, limiting information regarding suitably priced dwellings available for sale or rental, or communicating that he or she would not be comfortable or compatible with existing residents);
- engage in blockbusting practices (inducing property owners to sell hastily or at a loss, by appeals to fears of depressed property values or other undesirable neighborhood consequences because of threatened minority encroachment, with the intention to resell at inflated prices);
- deny access to or membership or participation in any multiple-listing service, real estate brokers' association, or other service organization or facility;
- limiting the use of privileges, services or facilities associated with a dwelling;
- assign any person to a particular section of a community or to a particular floor of a building;
- refuse to provide municipal services or property or hazard insurance for dwellings or to provide such services or insurance differently;
- discriminate in the making of loans or the provision of other financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings;
- fail to make repairs or delaying maintenance or repair of sale or rental dwellings; or
- evict tenants because of race, color, religion, sex, handicap, familial status, or national origin.

5. ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING -- Civil Rights Responsibilities of CDBG Grantees

| |
|---|
| <p>CDBG grantees are required to affirmatively further fair housing in their community in soliciting renters, determining eligibility, and in the conduct of all transactions.</p> |
|---|

Each grantee must affirmatively further fair housing according to the regulations contained in 24 CFR §570.904(c). The sample list of actions below is suggestive of the types of fair housing activities that may be undertaken by communities.

- ***Passing a fair housing resolution*** is an action CDBG grantees can take to demonstrate a "good faith effort" to comply with the fair housing requirement.

- **As part of project start-up activities, grantee communities must adopt and publicize a fair housing resolution** similar to that contained in **Exhibit 5-M**, sample Fair Housing Resolution (keep a copy in your CDBG Civil Rights File).
- The fair housing resolution adopted by a CDBG grantee must also be publicized and promoted within the community.
- **Review project activities** to ensure that they serve low and very low-income minority residents as well as non-minorities.
- **Develop a public information network concerning fair housing** using local newspapers, radio stations, bulletin boards, churches, and property tax mailings to ensure that all segments of the community are aware of fair housing requirements, especially Realtors, landlords, financial institutions, and minority households.
- **Develop a local fair housing program** to make housing opportunities known to minorities, to monitor compliance, and to refer discrimination complaints to the proper authorities. (More suggestions for developing a local fair housing program are given below.)
- **Conduct a meeting with financial institutions** that serve the community to discuss the importance of providing financial assistance for housing in all geographic areas and to all residents in the community.
- **Survey special housing needs of minorities and women** to determine possible effects of discrimination.
- **Use the "Equal Housing Opportunity" slogan and logo** on grantee letterhead; and
- **Display Fair Housing Posters** (see **Exhibit 5-N**) and **distribute a Fair Housing Handout and Complaint Pamphlet** (see sample in **Exhibit 5-O**) to explain fair housing rights, practices and statutory requirements.
- **Additional HUD guidance concerning fair housing requirements can be found in: Performance Review Standards for Fair Housing Requirements in the CDBG Program – on-line at <http://www.hud.gov/offices/cpd/communitydevelopment/rulesandregs/memoranda/choice92.cfm>**

Developing a local fair housing program: The first step in developing a local fair housing program is to look closely at the community to identify areas of particular concern. In order to analyze whether a fair housing problem might exist within their community, grantees should ask themselves the following questions:

- Do all or most of the minorities in your community live in one neighborhood?
- Does it appear that Realtors are hesitant to show minorities rental or ownership units in certain areas of town or in certain apartment buildings or subdivisions?
- Is there evidence that local banks and savings and loans consistently fail to provide mortgage money or CDBG improvement loans in certain areas of town?
- Do landlords rent to single parent households with children?

- Does the community actively assist people who believe they have encountered housing discrimination?
- Housing rights and fair housing resources can be found at the Montana Department of Commerce's Housing Resources website: <http://commerce.mt.gov/housingresources.mcp>
 - A list of resources -- **Housing Rights, Fair Housing Advocates, Legal Assistance, and Other Resources** --can also be found at the following MDOC website: <http://housing.mt.gov/content/FAR/docs/HousingResourceDirectory.pdf>
 - Among the resources listed at the website above is **Montana Fair Housing**, a private, non-profit organization dedicated to the reduction and eradication of housing discrimination in the state -- <http://www.montanafairhousing.org/>

Data and Documentation. The CDBG grantee must document the steps it has taken to promote fair housing. Keep these records in the CDBG Civil Rights File.

When developing a fair housing/affirmative marketing program, it is very important that the grantee **document all of the actions taken -- as well as the results of those actions.** If these efforts are not documented, MDOC will be unable to demonstrate to HUD that grantees are meeting their fair housing obligations.

MDOC/CDBG and grantees with housing projects will assess affirmative marketing efforts of owners by comparing predetermined occupancy goals (based on the area from which potential tenants will come) to actual occupancy data the owner is required to maintain. Outreach efforts on the part of the owner will also be evaluated by reviewing marketing efforts.

6. HANDICAPPED ACCESSIBILITY REQUIREMENTS -- Civil Rights Responsibilities of CDBG Grantees

Three major federal laws specify handicapped accessibility requirements for federally funded programs and activities. These are:

- 1) Section 504 of the *Rehabilitation Act of 1973*,
- 2) the *Americans with Disabilities Act (ADA) of 1990*, and
- 3) the *Fair Housing Amendments Act of 1988*.

The Rehabilitation Act was enacted in 1973 and last amended in 1986. It was not until June 2, 1988, that HUD published its final rule in the *Federal Register* for implementation of Section 504 (24 CFR, Part 8, *Nondiscrimination based on handicap in federally-assisted programs and activities of the Department of Housing and Urban Development*).

Implementing regulations for Fair Housing provisions are located at 24 CFR, Part 100, *Discriminatory Conduct under the Fair Housing Act* (under subpart D, *Prohibition Against*

Discrimination Because of Handicap). The ADA became law on July 26, 1990 and became fully effective on January 26, 1992. **ADA:** <http://www.usdoj.gov/crt/ada/adahom1.htm>

The implications of Section 504 of the *Rehabilitation Act* are that grantees receiving CDBG funds must ensure handicap accessibility to programs, services and benefits. Grantees must ensure that CDBG programs and activities are accessible, both structurally and administratively, to handicapped and disabled persons. Grantees who apply on behalf of sub-grantees or non-profits must also ensure that the sub-grantee's programs and activities are accessible, both structurally and administratively.

The purpose of the ADA is to extend to disabled persons the civil rights that are now available to groups protected under the *Civil Rights Act* (i.e., race, color, sex, national origin, and religion). **Integration of individuals with disabilities into the mainstream of society is the fundamental purpose of the ADA.**

Under the ADA, **an individual is considered disabled if they:**

have a physical or mental impairment that substantially limits one or more major life activities such as hearing, seeing, speaking, walking or learning. The term also applies to someone with a record of impairment, such as a history of cancer or alcoholism (but it does not apply to current drug or alcohol abusers). It also includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, and skin and endocrine; as well as any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

This definition “**of disabled individual**” **includes** persons who do not perceive themselves as disabled or handicapped, but who **are perceived by others as having a disability** (examples: a person disfigured in an accident, someone with AIDS, or someone living with or associated with a person who has AIDS).

To meet the ADA requirements, grantees must (as part of start-up activities):

- **Conduct A Self-evaluation:** Grantees must conduct a self-evaluation (an informal accessibility survey) to determine whether their facilities and programs are in compliance with ADA requirements.
- In determining whether facilities meet federal accessibility requirements, grantees should refer to the *Uniform Federal Accessibility Standards* (UFAS) [see 24 CFR, Part 40, Appendix A].
 - Advocacy groups for handicapped and disabled persons should be encouraged to participate in this process of self-evaluation, and documentation of this process must be maintained. The self-evaluation plan will be reviewed during the MDOC/CDBG on-site monitoring visit.

- **Develop An ADA Transition Plan:** Following the self-evaluation described above, the grantee must develop a transition plan to outline the steps the grantee intends to take to correct any deficiencies.
 - The grantee must also set a specific date in its transition plan by which the facilities and programs will be brought into full compliance.
 - If the grantee's facilities are not immediately accessible, it simply means that the grantee must find some means of making CDBG program activities and services accessible to persons with disabilities.
- **Appoint A Local ADA Compliance Coordinator:** The grantee should appoint a coordinator to ensure ADA compliance within the agency.
- In addition, **the CDBG grantee must adopt and post a Complaint Resolution Procedure that allows for prompt and equitable resolution of charges alleging non-compliance with ADA.**
 - The complaint procedure must allow current employees, applicants or members of the public who believe they have been discriminated against on the basis of a disability to report the incident. (See **Exhibit 5-R** for a sample *Complaint Resolution Procedures* that could be used to meet Section 504 and ADA requirements). Notice of these procedures must be posted in all work areas and must be visible to the public.

Montana CDBG has not adopted specific required forms for use by CDBG grantees in completing their self-evaluations, transition plans, and complaint resolution procedures. However, a number of organizations have prepared publications that can assist in this process. The following is a partial listing of such resources:

- ***Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Transportation Facilities, and Transportation Vehicles***, United States Access Board, 1331 F Street NW, Suite 1000, Washington DC, 20004-1111, (202) 272-5434. <http://www.access-board.gov/> and <http://www.access-board.gov/gs.htm>
- ***Americans with Disabilities Act Self-Evaluation/Transition Plan Guidebook***, The Office of Intergovernmental Assistance, 14th Floor, State Capitol, 600 E Boulevard Avenue, Bismarck ND, 58505-0170.
- ***Americans with Disabilities Act Accessibility Guidelines Checklist for Buildings and Facilities***, United States Access Board, 1331 F Street NW, Suite 1000, Washington DC, 20004-1111, (202) 272-5434. <http://www.access-board.gov/ada-aba/>
- ***ADA Title II Action Guide for State and Local Governments***, Adaptive Environments Center, Inc., National Institute on Disability and Rehabilitation Research, LRP Publications, Horsham PA 19044-0980. <http://www.ed.gov/about/offices/list/osers/nidrr/index.html>
- Note: For more National and State contacts for ADA Information and Assistance, see **Exhibit 5-T.**

HUD does **not** require grantees to take actions that would (a) result in a fundamental alteration of facilities or programs or (b) that would impose an undue financial or administrative burden on the grantee.

However, if the public **cannot get to (or some group is not likely to get to)** the grantee's CDBG program, **reasonable accommodations must be made so that the program can be brought to persons with disabilities.**

HUD recommends that administrative changes be considered before costly structural changes.

CDBG grantees and their contractors may not discriminate against qualified individuals with disabilities. This means that all government facilities, residential structures, programs, services, and communications must be accessible to all persons.

CDBG grantees are responsible for providing access to handicapped / disabled persons in four basic areas (plus a fifth, data and documentation):

1. Accessible Communications
2. Access to Employment
3. Access to Program Benefits
4. Physical Accessibility to Programs; and
5. Data and Documentation.

1. **Accessible Communications for handicapped/disabled persons.** In order to ensure accessibility of program services and activities to persons with disabilities, grantees must be aware of the possibility that individuals may need to use alternative forms of communication.

- **When marketing its programs and services, the grantee should take the following steps:**
 - a. **All publications must include a statement similar to the following:**

This document will be provided in an alternative, accessible format upon request.

- This may mean that someone in the grantee's organization will have to read the document to an individual, provide them with an audiotape of the document, or use a copier or computer to magnify the image. In addition, some individuals may need assistance with filling out necessary forms and applications.
- b. **When setting up public meetings, be cognizant of the fact that the meeting room must be handicap accessible -- i.e., persons in wheelchairs must be able to maneuver through the building and into the meeting room. In addition, some individuals may have a total or partial visual or hearing impairment.** Each of these situations may require some different type of accommodation.
 - Some examples of accommodations that can be made to assist the hearing impaired during a group meeting include assisted listening devices such as induction loops wired into a room, FM systems, and infrared systems. For a deaf person, it may be necessary to provide a qualified interpreter. An alternative would be to use closed captioning on a real time reader board.

When advertising public meetings or program services and activities, the grantee must include a written statement similar to the following:

The (... Name of the CDBG grantee...) makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in any CDBG Program service or activity. Persons needing an accommodation must notify (...who ...) no later than (...date...) to allow adequate time to make needed arrangements.

You may call (... telephone number ...) or write to (... address...) to make your request known. Telecommunications Device for the Deaf: TDD # (406) _____ - _____. Montana Relay System for the Deaf: Dial 711 or 1-800-253-4091 to use Montana Relay.

- c. **Use Disability Access Symbols to alert people with disabilities concerning access accommodations and information.**
- Place the symbols on all advertising, publicity, websites, publications, signs, etc. CDBG grantees can access the symbols via the Internet. Newly improved Disability Access Symbols produced by the Graphic Artist Guild and the National Endowment for the Arts are now online and downloadable at:
<http://www.graphicartistsguild.org/resources/disability-access-symbols/>
 - The twelve disability access symbols that can be found at that website may be used to promote and publicize accessibility of places, programs and other activities for people with various disabilities, and the website gives suggestions for how you can use the symbols effectively and sensitively.
- d. **For purposes of communications requirements of the ADA and Section 504, grantees have access to the Montana Relay Service and MDOC's Telecommunications Device for the Deaf (TDD).**
- **A Text Telephone (TTY/TDD) is an electronic device that enables people who are deaf, hard of hearing, or speech impaired to use the telephone by typing messages back and forth and reading responses on the display.** A TTY is required for both parties to communicate directly, or the hearing party may call via the Montana Relay Service. Telebraille or Large Visual Displays are available for people who are blind or have low vision.
 - **FYI: A deaf person, or a person wishing to communicate with a deaf person, can call a toll-free number to access any city in the United States.** An operator types in the conversation to the hearing-impaired person, who reads the message via a *Telecommunication Device for the Deaf (TDD)*. The operator then reads the return message to the hearing person.
 - **Grantees are not required to secure their own TDDs. Montana has in place a very sophisticated telephone relay system for the deaf, *Montana Relay*.** Montana Relay makes communication by telephone simple, dependable and convenient for people who have difficulty using a standard phone. A public service offered through the state of Montana, Montana Relay enables standard telephone

users to communicate with people who are deaf, hard of hearing, Deaf/Blind or speech disabled and use a TTY (text telephone) or another assistive telephone device. **Dial 7-1-1 or 1-800-253-4091 to use Montana Relay.**

Montana Relay

<http://montanarelay.mt.gov/aboutcalls.shtml>

111 North Last Chance Gulch

P.O. Box 4210

Helena, Montana 59604

1-866-RELAY (8503) -MT (1-866-735-2968)

Fax: 406-444-5999

relay@mt.gov

Montana Relay calls are easy to make and receive. Montana Relay is operated by the Montana Telecommunications Access Program attached to the Montana Department of Public Health and Human Services. For more information go to the Montana Relay website listed above.

The Montana Department of Commerce also has a TDD at the main building (301 S. Park Avenue, Helena) that can be accessed at (406) 841-2702. Grantees may publish this MDOC phone number on publications and advertisements about their CDBG program activities.

The following organizations can be consulted for more detailed information about devices available to assist the disabled:

| | |
|--|--|
| <p>Rural Institute on Disabilities Univ of Montana, 52 Corbin Hall Missoula, MT 59812 1-800-732-0323 (Voice/TTY Toll-Free) (406)-243-5467 Voice/TTY http://ruralinstitute.umt.edu/</p> | <p>Montana Independent Living Project 1820 11th Avenue Helena, MT 59601 (Offices in Butte and Bozeman also) (406) 442-5755 or 1-800-735-6457 http://www.milp.us/ and http://www.milp.us/links/independentliving.html</p> |
| <p>Summit Independent Living Project 700 SW Higgins Avenue, Suite 101 Missoula, MT 59803 (406) 728-1630 or 1-800-398-9002 (Offices also in Kalispell, Ronan & Hamilton) http://www.summitilc.org/contact.html</p> | <p>ADA Regional Assistance Center- Rocky Mountain ADA Center 3630 Sinton Road, Suite 103 Colorado Springs, CO 80907 1-800-949-4232 http://www.adainformation.org/</p> |
| <p>North Central Independent Living Services 1120 25th Avenue Black Eagle, MT 59414 (406) 452-9834 or 1-800-823-6245 NCILS provides services from Glacier County across the Hi-Line to the North Dakota border. A branch office is set up in Glasgow. http://www.dphhs.mt.gov/dsd/independentliving/services/index.shtml</p> | <p>Living Independently for Today & Tomorrow (LIFTT) 3333 2nd Avenue North Billings, MT 59101 (406)294-5181 or 1-888-502-9700 http://www.lifft.org/</p> <hr/> <p>Also see Exhibit 5-T for state and national contacts for ADA Information and Assistance.</p> |

2. Access to Employment for Handicapped/Disabled Persons.

- **Title I of the ADA prohibits discrimination by an employer against a qualified person with a disability.**
 - a. **Employers are required to make reasonable accommodation to known physical or mental limitations of an otherwise qualified individual, unless to do so would impose an undue hardship on the employer.**
 - Cost alone does not necessarily constitute undue hardship. A person with a disability is otherwise qualified if they can satisfy the requisite skill, experience and education requirements for the position, and *can perform the essential functions of the job with or without reasonable accommodations*. Your assigned CDBG Program Specialist can provide assistance concerning specific types of reasonable accommodations.
 - b. **Essential functions are defined as those that are fundamental to the job, excluding any marginal functions of the position.** Where possible, the employer is required to make such accommodations as providing physical hardware or equipment to allow the handicapped person to complete job duties (remembering that there is often more than one way to do a job), or reassigning job tasks among workers.

- If grantees have questions regarding what constitutes an *essential job function* or an *undue hardship* on the employer, they should contact their assigned CDBG Program Specialist.

c. **When recruiting, the CDBG grantee and their contractors and subcontractors must include the following written statement:**

The (... grantee/contractor name...) makes reasonable accommodations for any known disability that may interfere with an applicant's ability to compete in the recruitment and selection process or an employee's ability to perform the essential duties of the job. In order for the grantee/contractor to make such accommodations, the applicant must make known any needed accommodation.

You may call (... telephone number ...) or write to (... address...) to make your request known. Telecommunications Device for the Deaf: TDD # (406) _____-_____. Dial 711 or 1-800-253-4091 to use the Montana Relay System for the Deaf:.

- CDBG grantees should use a local TDD number if possible. If no TDD is available locally, the grantee may use the above MDOC TDD number for this purpose.
- If grantees do intend to utilize the MDOC TDD number, they should make sure that the assigned CDBG Program Specialist is informed regarding the details of such announcements, and that MDOC/CDBG receives copies of those announcements so that staff can competently answer questions received on the TDD about the grantee's activities.

● **You cannot ask an applicant if they have a disability or ask any questions about their specific disability (including the extent, nature or severity of the disability) prior to extending a conditional offer of employment.**

● **You may ask job-related questions such as, *Can you perform the essential functions of the job either with or without a reasonable accommodation?* In general, questions asked of applicants should be consistent with business necessity and they should be job-related, with the same questions asked of all applicants (e.g., conduct the same structured oral interview with the same questions for all applicants).**

3. **Access to Program Benefits for Handicapped/Disabled Persons.** Title II of the ADA specifies that **qualified individuals with disabilities are not to be excluded from participation in, or to be denied the benefits of, any services, programs, or activities funded in whole or in part with federal funds.**

- a. **A qualified individual with a disability** is defined as: **one who meets the essential eligibility requirements for receipt of services or for participation in programs or activities, *with or without* a reasonable modification to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services.**

- b. **The basic requirement of ADA for CDBG grantees is that all services, programs and activities be accessible to everyone, including people with disabilities, regardless of the accessibility of the grantee's facilities.**
- c. **Grantees are also required to take affirmative steps to ensure that qualified persons with disabilities are informed of the availability of program services and activities; and that the grantee's activities or services are readily accessible to, and usable by, individuals with disabilities.**
 - o Administrative changes might include scheduling activities for the handicapped at handicapped accessible locations, assigning auxiliary aides to assist handicapped clients, providing CDBG visits or on-call transportation services, and publicizing the availability of audio equipment and telecommunications devices for deaf persons (TDDs).
- d. **CDBG grantees may not provide services or benefits to disabled persons through programs that are separate or different -- unless the separate programs are necessary to ensure that the benefits or services are equally effective.**
 - o **Even when separate programs are permitted, an individual with a disability must still have the right to choose to participate in the regular program, and the grantee may not require an individual with a disability to accept a special accommodation or benefit if the person chooses not to accept it.**

4. **Physical Accessibility for Handicapped/Disabled Persons to Programs.**

- a. The grantee should identify the primary access point to their office building, and ensure that parking spaces are designated for people with disabilities displaying special permits on their vehicles.
- b. In addition, the grantee needs to ensure that the accessible entrance to the building is kept accessible (i.e., free of snow and other blockage, with unauthorized persons not allowed to park in the handicap designated areas).
 - o **The Disability Services Division of the Department of Public Health and Human Services (DPHHS) can provide information regarding specific types of reasonable accommodation: <http://www.dphhs.mt.gov/dsd/index.shtml>**
 - **DPHHS Disability Services Division
111 Sanders Suite 307, PO Box 4210
Helena, MT 59604-4210
1-877-296-1197 (Toll free) / 406-444-2590 (voice/TDD)**
 - **406-444-3632 (fax)**
 - o **DPHHS Vocational Rehabilitation offices** are located throughout the state, and their staff can assist with questions regarding reasonable accommodations. **DPHHS Vocational Rehabilitation Program: Same phone numbers as above <http://www.dphhs.mt.gov/dsd/mvr.shtml>**

- c. **The regulations for meeting handicap accessibility requirements for housing facilities** are complex and cannot be described concisely in this chapter, so what is found in this chapter is the beginning of the information that you may need to assure handicapped accessibility for housing facilities.
- o The ADA generally does not cover private residential facilities. These facilities are addressed in the *Fair Housing Amendments Act*, which prohibits discrimination on the basis of disability in selling or renting housing.
 - However, provisions of the *Fire Administration Authorization Act of 1992*, which became effective October 26, 1992, require that **all housing units assisted with federal funds be equipped with a hard-wired or battery-operated smoke detector that includes appropriate wiring that makes it possible to install visual and/or sensory alarm systems if the need arises.**
 - This requirement applies to all new construction, reconstruction, and rehabilitation projects on any multifamily or single-family housing assisted with CDBG funds. Further, where alarms already exist in common areas, visual and sensory alarms should be provided also, as a reasonable accommodation to persons with disabilities.
- d. **As described in 24 CFR §8.4(b)(1)(iii) and (iv), it is illegal to discriminate against a handicapped person by providing:**
- ... any housing, aid, benefit, or service that is not as effective in affording the individual an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others ... unless such action is necessary to provide qualified individuals with handicaps with housing, aids, benefits or services that are as effective as those provided to others.**
- e. **The following are highlights of other handicap-accessibility requirements that apply to all facilities designed, constructed or altered after July 11, 1988:**
- I. **New Construction, Acquisition or Rehab of Single-Family Dwellings.** Single-family dwellings must be made handicap accessible upon request of the owner or prospective buyer. That cost may be included in the mortgage amount. If costs exceed the allowable mortgage limits, those costs may be passed on to the prospective CDBG buyer.
 - o All handicap accessible dwelling units must be distributed throughout the housing project and the sites made available in a range of sizes and amenities.
 - o Generally, historic properties must be made accessible unless doing so would substantially impair the significant historic features of the property or result in an undue financial or administrative burden.
 - II. **New Construction or Substantial Rehab of Multi-Family Dwelling Units.** In addition to ADA requirements, residential structures (other than privately owned residential structures) are subject to requirements of the *Architectural Barriers Act* of 1968 [24 CFR Part 40].

- Standards for the design, construction and alteration of publicly owned residential structures to ensure that physically handicapped persons have ready access to and the use of such structures can be met by following the *Uniform Federal Accessibility Standards* outlined in Appendix A of 24 CFR, Part 40.
- In a multi-family housing project consisting of five or more HUD (CDBG)-assisted units there must be at least five percent of the HUD-assisted units (or a minimum of 1 unit) that are accessible to persons with mobility impairments and at least an additional two percent of the units (or a minimum of one unit) accessible to persons with hearing or vision impairments -- Braille and hard wiring installed. This is a requirement of the Uniform Federal Accessibility Standards under Section 504.
- Also, the Fair Housing accessibility requirements must be applied when a HUD-assisted multifamily project involves construction of four or more attached units.
- All covered multi-family dwellings must be designed and constructed in such a manner that:
 - the public and common use areas are readily accessible to and usable by handicapped persons;
 - all doors are designed to allow passage by persons in wheelchairs;
 - there is an accessible route into and through the covered dwelling unit;
 - light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations;
 - bathroom walls are constructed to include reinforcements to allow later installation of grab bars around the toilet, tub, shower, stall and shower seat (where such facilities are provided); and
 - kitchens and bathrooms are such that an individual in a wheelchair can maneuver about the space.

III. **Tenant-Based Rental Assistance**. Program administrators must provide notice of the availability of handicap accessible units, and include a current listing of available accessible units. In addition, they must encourage program participation by owners of accessible units.

5. **Data and Documentation**

- With respect to requirements of the *Architectural Barriers Act* grantees must be kept in each applicable CDBG Project File, documentation indicating that the standards prescribed in 24 CFR §40.4 are applicable to, and have been or will be incorporated into, the residential structure to be assisted with CDBG funds.
- In addition, MDOC/CDBG will include in their existing procedures for the review and approval of newly constructed or substantially rehabilitated multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with the above provisions of the Fair Housing Act.
- MDOC/CDBG has incorporated into the normal grant monitoring procedures (see Chapter 12 and Exhibit 12-A) a review of the grantee's ***Self-Evaluation Inventory*** and ***Transition***

Plan for compliance with Section 504 of the *Rehabilitation Act* and the *Americans with Disabilities Act*.

- The grantee must certify to MDOC/CDBG in writing that their CDBG program activities are being operated in compliance with Section 504, the ADA and the Fair Housing requirements.
- Each grantee must submit compliance reports to the responsible civil rights official. Documentation shall be kept to ascertain compliance.
- See Section IV below for additional details of record-keeping and documentation.

IV. RECORD-KEEPING REQUIREMENTS FOR CIVIL RIGHTS

A. The Local Project's Civil Rights File should contain the following information and records:

- Records demonstrating a *good faith effort* to comply with federal civil rights requirements.
- Records of program applicants and program beneficiaries, by race and gender.
 - **See B, below, for an explanation of HUD data collection requirements (as revised in 2002).**
- A running tabulation of the race and gender of households in any direct benefit program, such as families assisted through housing rehabilitation or jobs provided to individuals through an economic development project.
- - **See Exhibit 5-D, Individual Direct Benefit Recording Form to be Completed by Head of Household, and Exhibit 5-E, Direct Benefit Summary Data.**
- Documentation/records of efforts to make CDBG program services and activities accessible to blind, deaf, and other physically and mentally handicapped persons.
- Documentation regarding steps the grantee has taken to promote fair housing.
- Documentation/evidence of efforts to ensure minority participation in the program (e.g., documentation of administrative methods designed to ensure nondiscrimination in project activities and in site selection criteria designed to benefit minorities, as well as actions taken to overcome the effects of past discrimination).
- Documentation/evidence of compliance with handicap accessibility requirements in housing construction and rehabilitation activities (Fair Housing Act, Section 504 of the Rehabilitation Act; and the Americans with Disabilities Act).
- Records of actions undertaken to promote equal employment opportunity, including documented efforts of the grantee's affirmative actions in equal employment opportunity (e.g., recruitment advertising, hiring, promotions, layoffs or terminations, pay and recruitment for training).

- A summary of the number of applicants for each position hired, and the number of applicants who are minorities, women and handicapped persons (see **Exhibit 5-G, Applicant Summary Sheet**).
- Documentation by race, gender and handicap of the number of persons interviewed and the reasons for the hiring decisions (see **Exhibit 5-H, Interview and Hiring Form**).
- Documentation of the following information regarding grantee employment practices:
 - personnel policies
 - interview and hiring records
 - employee records (training, promotion, salary levels)
 - data on overall employment of women and minorities (**Exhibit 5-I, Grantee Employment Summary**)
 - employment data that indicates staff composition by race, sex, handicap status and national origin;
 - documented actions undertaken to promote equal opportunity in bidding and contracting for services and products from DBE firms; and
 - Data recording the grantee's affirmative actions to encourage the participation of DBE firms.

B. Data Collection Requirements for Ethnicity and Race from HUD and the Office of Management and Budget (as Revised in 2002)

In 2002, the State of Montana and all the states received notification from HUD that revised grantee data collection and reporting requirements that been established for HUD (which includes CDBG, HOME and other HUD-funded projects) by the Office of Management and Budget. Under the still current (2202) policy for data collection, HUD projects must:

- a) **offer respondents the option of selecting a self-description from HUD's new set of racial categories** (the list is given below);
- b) **treat ethnicity as a category separate from race**; and
- c) **use some new terminology that has been adopted for certain racial groups and ethnic groups** – HUD identified new race/ethnicity categories that need to be used. See #7 below.

The changes announced in 2002 mean that:

- 1) In CDBG projects which have direct benefits to individuals and households, **CDBG grantees must now ask clients to identify their ethnicity prior to asking them to identify their race**. See item 6 below.
- 2) For CDBG local project activities that require gathering ethnicity and race data from individuals or households (such as housing rehabilitation for individual families, payment of water-system/sewer system hook-up fees or assessment fee for LMI

households), the use of the new race/ethnicity categories is required.

- See CDBG *Exhibit 5-D, Individual Direct Benefit Recording Form to be Completed by Head of Household*. Exhibit 5-D includes the revised ethnic and racial categories required by HUD – use it to collect data from individuals and households receiving direct assistance, if any, in your local CDBG project.
- 3) **New race and ethnicity categories: There are now ten racial categories** (see the list given below in #7) **and two ethnic categories** (also listed below) that must be used in gathering this data from individuals receiving direct benefit assistances.
 - 4) The CDBG program created *project completion reports* (see Chapter 13) that reflect the additional race and ethnicity categories.
 - 5) HUD set April 1, 2004 as the deadline to transition to the new categories for CDBG contracts/projects that were in progress at the time the change announcement was issued – such projects were instructed need to go back to the individuals and households and gather the ethnic and racial data that is needed.
 - 6) **Grantees should use a two-question format, meaning that separate questions for race and ethnicity should be used.** Both questions must be answered. The **ethnicity question should precede the race question.**
 - 7) See **Exhibit 5-D, Individual Direct Benefit Recording Form to be Completed by Head of Household**, for a form that you can use to ask the ethnicity and race questions, using the new HUD list:

Ethnicity: (select only one)

- i. Hispanic or Latino (HL)
- ii. Not Hispanic or Latino (NHL)

Race: (select one or more)

1. White
2. Black or African American
3. Asian
4. American Indian or Alaskan Native
5. Native Hawaiian or Other Pacific Islander
6. American Indian or Alaskan Native *and* White
7. Asian *and* White
8. Black or African American *and* White
9. American Indian or Alaskan Native *and* Black or African American
10. Other Multi-racial (balance of individuals reporting more than one race)

Note: Self-reporting or self-identification by the individuals receiving the assistance (rather than observer identifications) is the preferred method for collecting race and ethnicity data. Self-identification for race and ethnicity means that responses are based on self-perception.

CHAPTER 5

EXHIBITS

- 5-A Sample Equal Employment Opportunity Policy**
- 5-B Sample Section 3 Public Notice**
- 5-C Required Contract Language for Section 3 Responsibilities**
- 5-D Individual Direct Benefit Recording Form to be Completed by Head of Household**
- 5-E Direct Benefit Summary Data**
- 5-F Tribal Newspapers and Newsletters and Newspapers Published Adjacent to Montana's Indian Reservations**
- 5-G Applicant Summary Sheet**
- 5-H Interview and Hiring Form**
- 5-I Grantee Employment Summary**
- 5-J Contract Reporting Form and Instructions (same as Exhibits 9-K and 13-E)**
- 5-K Sample Letter of Work Notification to a DBE Firm**
- 5-L Sample Equal Employment Opportunity Poster**
- 5-M Sample Fair Housing Resolution**
- 5-N Sample Fair Housing Poster**
- 5-O Sample Fair Housing Handout and Complaint Pamphlet**
- 5-P Sample Housing Program Notice**
- 5-Q Sample Hatch Act Resolution**
- 5-R Sample Section 504 and ADA Complaint Resolution Procedures and ADA Complaint Form**
- 5-S Sample ADA Self-Evaluation Inventory and Transition Plan**
- 5-T National and State Contacts for ADA Information and Assistance**

5-U Civil Rights Responsibilities Checklist

EXHIBIT 5-A

(SAMPLE) EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

PURPOSE

To provide equal employment opportunity in direct employment with (Name of CDBG grantee).

POLICY

It is the policy of (Name of Grantee) to provide equal opportunity to all of its employees and applicants for employment and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement.

To this end, (Name of Grantee) will take affirmative actions to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity -- minority group members, women, and the handicapped; and (Name of Grantee) recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with (Name of Grantee) will be recruited from the reasonably available labor market and evaluated on each person's individual qualifications and abilities.

All (Name of Grantee) employees shall be afforded equal employment opportunity during their terms of employment, and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunity or testifying on behalf of someone else doing so.

Adoption of this document reaffirms (Name of Grantee)'s policy of nondiscrimination in employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

All supervisory personnel are responsible for and shall be committed to achieving and promoting equal employment opportunity with (Name of Grantee) and for implementing this equal employment opportunity policy.

ASSIGNMENT OF RESPONSIBILITY

Primary responsibility for the development, implementation and maintenance of procedures in accordance with this equal employment opportunity policy is assigned to (Name and title of appointee), who will serve as the equal opportunity officer and will conduct periodic reviews of (Name of Grantee)'s personnel action to ensure that the policy of equal opportunity is being adhered to and will hold quarterly equal opportunity meetings with the (Mayor/Chairperson and

all supervisors) to apprise them of progress and of any developing problems for which remedial action would be appropriate.

The (Governing Board) hereby directs all employees of (Name of Grantee) engaged in any phase of employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

to take appropriate steps to ensure that employment opportunities with (Name of Grantee) are offered on an equal basis to all without regard to race, color, sex, creed, religion, national origin, age, physical or mental handicap, marital status, or political beliefs unless such distinction is a bona fide occupational qualification.

IMPLEMENTATION

The (Name of Grantee) will implement this policy and Title VII of the Civil Rights Act of 1964, by means of the Equal Employment Program outlined below. This program is drawn to the specifications and standards established by Presidential Executive Orders 11246 and 11375, which are described in Part 60-2 of the *Code of Federal Regulations* (issued by the Office of Federal Contract Compliance, U.S. Department of Labor) and the *Montana Human Rights Act* (Title 49 MCA).

This policy shall be comprehensive in its range. (Name of Grantee) shall make good faith efforts to implement this policy. Procedures adopted will include, at a minimum:

- evaluate all current employment practices for evidence of discriminatory effect. Where such practices are found to be discriminatory in their effect, they shall be modified so as to excise any discriminatory effect;
- remedy any unwarranted instances of under-utilization of women, minorities, and other individuals who have traditionally been the victims of discrimination;
- develop training and upgrading procedures which will ensure full consideration for those classes of people who have traditionally been denied equal opportunity -- minority group members, women, and the handicapped -- in any future employment opportunities with (Name of Grantee);
- seek out those who have been denied equal opportunity as applicants whenever vacancies occur;
- disseminate the substance of this policy on a continual basis through written notice to all employees, recruitment sources and other interested persons and organizations;
- provide equal pay for equal work;

- apprise all contractors and subcontractors of their affirmative action responsibilities in all contracts awarded by this jurisdiction;
- ensure compliance with all applicable federal and state equal employment requirements;
- include the following clause in all vacancy announcements:

We are an Equal Opportunity Employer.

- provide assistance to members of protected groups in completing applications;
- provide assistance to individuals needing help in meeting training and educational qualifications for job vacancies whenever possible;
- apprise all employment referral agencies of the substance of this policy in order to facilitate referral of qualified minorities, women and handicapped individuals;
- post EEO posters in conspicuous places on (Name of Grantee) premises;
- instruct all supervisory personnel in the required procedures following an EEO complaint;
- inform all supervisory personnel of their duties and responsibilities with respect to equal employment opportunity; and
- inform all employees of (Name of Grantee)'s commitment to equal employment opportunity and of their rights and remedies under the law.

EFFECTIVE DATE

This policy shall take effect upon affirmative vote of the (Governing Board).

Signature _____

Title _____

Date _____

EXHIBIT 5-B

SAMPLE SECTION 3 PUBLIC NOTICE

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- “SECTION 3”: Economic Opportunities for Low and Moderate Income Persons. See Chapter 5, pages 5-10 and 5-14.
 - Section 3 requires that to the greatest extent feasible:
 - opportunities for training and employment must be given to lower-income residents of CDBG-assisted projects; and
 - that contracts for work in connection with such projects should be awarded to business concerns located in, or owned in substantial part by "project area" residents. (See Chapters 13, Exhibit 13-H, for additional information about required Section 3 reporting by CDBG grantees at the time of project closeout.)
 - Below is a sample notice form that CDBG grant recipients can use to inform the community of prospective employment and business opportunities.
 - This notice should be published when the project is being advertised for bid to ensure that the community has a reasonable opportunity to hear about the potential benefits of the CDBG project.
-

SAMPLE SECTION 3 PUBLIC NOTICE

The ***(Name of CDBG Grantee: City, Town or County of ...)*** has received notice of the award of Community Development Block Grant funds from the Montana Department of Commerce. ***(Name of Grantee)*** will soon commence implementation of a ***(include brief description)*** project.

CDBG regulations governing the grant require that to the greatest extent feasible, opportunities for training and employment arising in connection with this CDBG-assisted project will be extended to local lower-income residents. Further, to the greatest extent feasible, business concerns located in or substantially owned by residents of the project area will be utilized.

For more information, please contact ***(name)*** at ***(address)*** or call ***(phone number)***.

EXHIBIT 5-C

REQUIRED CONTRACT LANGUAGE FOR SECTION 3 RESPONSIBILITIES (SECTION 3: Economic Opportunities for Low- and Very Low-Income Persons)

Required Section 3 Language

Section 3 of the Housing and Urban Development Act of 1968. The contractor will ensure that to the greatest extent feasible opportunities for training and employment arising in connection with this CDBG-assisted project will be extended to lower income project area residents. Further, the contractor will, to the greatest extent feasible, utilize business concerns located in or substantially owned by residents of the project area, in the award of contracts and purchase of services and supplies.

In addition to publishing a notice of employment and business opportunities associated with the CDBG project (see exhibit 5-B):

- ❑ the language above pertaining to the civil rights requirements must be included in all requests for proposals, bid documents, and contracts; and
- ❑ the language above must be placed in publications having a circulation among minority groups in the area of the project.

“SECTION 3”: Economic Opportunities for Low and Moderate Income Persons. See Chapter 5, pages 5-10 and 5-14: Section 3 of the Housing and Urban Development Act of 1968 requires that to the greatest extent feasible:

- ❑ opportunities for training and employment must be given to lower-income residents of CDBG-assisted projects; and
- ❑ that contracts for work in connection with such projects should be awarded to business concerns located in, or owned in substantial part by "project area" residents.

In applying Section 3 regulations to CDBG projects, the project area is determined as follows:

- For municipalities, the project area is the county in which the municipality is located. First consideration should be given to persons living in or businesses located in or closest to the project activities;
- For counties, in most cases, the entire county will be considered the Section 3 project area;

For Community Housing Development Organizations (CHDOs), the grantee should check with their assigned CDBG Program Specialist to determine the appropriate project area for their CDBG program activities.

CDBG EXHIBIT 5-D
INDIVIDUAL DIRECT BENEFIT RECORDING FORM
(To be Completed by Head of Household)

(Name of CDBG Grantee) is required by the federal regulations governing the Community Development Block Grant Program to request the following information in order for the Montana Department of Commerce to monitor this agency's compliance with federal equal opportunity and fair housing laws.

You are not required to furnish this information, but are encouraged to do so. Federal law provides that an agency may not discriminate on the basis of this information, nor on the basis of whether you choose to furnish the information. However, if you choose not to furnish it, this agency is required to note race, gender and/or handicap status on the basis of visual observation and/or surname.

If you do **not** wish to provide the requested information, please check the following box:

I do not wish to furnish this information.

**Please check the boxes below for all characteristics which apply
to the head of the household.**

Ethnicity: (select only one)

- Hispanic or Latino
- Not Hispanic or Latino

Race: (select one or more)

- White
- Black or African American
- Asian
- American Indian or Alaskan Native
- Native Hawaiian or Other Pacific Islander
- American Indian or Alaskan Native *and* White
- Asian *and* White
- Black or African American *and* White
- American Indian or Alaskan Native *and* Black or African American
- Other Multi-racial (balance of individuals reporting more than one race)

Other Needed Information: (select all that apply)

- Female
- Male
- Handicapped / Disabled
- Elderly (over age 62)

Name of Head of Household: _____

Address: _____ Date: _____

(If applicable, when the person declines to furnish the information):

On the basis of sight or surname, the above information has been noted by:

Name: _____ Initialed: _____

Title: _____ Date: _____

EXHIBIT 5-E

DIRECT BENEFIT SUMMARY

| BENEFICIARY NAME AND ADDRESS | ETHNIC CATEGORY (*) | RACIAL CATEGORY (**) | M | F | H | E | FHH | LOW OR MODERATE INCOME | # IN HOUSE- HOLD | HOUSEHOLD INCOME | AMOUNT OF ASSIST- ANCE | TYPE OF ASSIST- ANCE |
|---|------------------------------------|-------------------------------------|----------|----------|----------|----------|------------|---------------------------------------|---------------------------------|-----------------------------|---|---|
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| TOTALS | | | | | | | | | | | | |

(**) **RACIAL CATEGORY CODES:** 1. White 2. Black or African American 3. Asian 4. American Indian or Alaskan Native 5. Native Hawaiian or Other Pacific Islander 6. American Indian or Alaskan Native *and* White 7. Asian *and* White 8. Black or African American *and* White 9. American Indian or Alaskan Native *and* Black or African American 10. Other Multi-racial (balance of individuals reporting more than one race)

(*) **ETHNIC CATEGORY CODES:**
HL: Hispanic or Latino **NHL:** Not Hispanic or Latino

OTHER CODES: **M** – Male **F** – Female
H – Handicapped **E** – Elderly (Over 62)
FHH - Female Head of Household

EXHIBIT 5-F

TRIBAL NEWSPAPERS AND NEWSLETTERS AND NEWSPAPERS PUBLISHED ON (OR ADJACENT TO) MONTANA'S INDIAN RESERVATIONS

- **Check** <http://www.mdt.mt.gov/pubinvolve/tribal/news.shtml> **for updates to the Tribal Newspapers and Newsletters and Reservation-Adjacent Newspapers list below**
- **See** http://mt.gov/work/state_newspapers.asp **for a list of all Montana Newspapers available on the Internet.**

Big Horn County News, 204 N. Center Avenue, Hardin MT 59034 (665-1008)
<http://www.bighorncountynews.com/>

Bigfork Eagle, 727 East Idaho, Kalispell MT 59901(837-5131)
<http://www.flatheadnewsgroup.com/bigforkeagle/>

Billings Gazette, PO Box 36300, Billings MT 59101-6300 (1-800-543-2505)
<http://www.billingsgazette.net/>

The Billings Outpost, 207 North Broadway, Billings MT 59105 (247-5020)
<http://www.billingsnews.com/>

Billings Times, 2919 Montana Avenue, Billings MT 59101 (245-4994)
<http://www.mtnewspapers.com/articles/2009/06/24/members/billingstim.txt>

The Carbon County News, PO Box 970, Red Lodge MT 59068
<http://carboncountynews.com/>

Char-Koosta News, PO Box 98, Pablo MT 59855 (275-2830)
<http://charkoosta.com/>

Chouteau Acantha, PO Box 320, Choteau MT 59422 (466-2403)
<http://www.choteauacantha.com/>

Crow Tribal News, PO Box 159, Crow Agency MT 59022 (638-3700)
<http://www.crowtribe.com/> Official Website of the Crow Tribe - Apsáalooke Nation

Culbertson Searchlight, 11 Broadway, Culbertson MT 59218 (787-5821)
http://www.northeastmontananews.com/index.php?option=com_content&view=section&id=6&Itemid=105

Cut Bank Pioneer Press, PO Box 847, Cut Bank MT 59427 (873-2201)
http://www.goldentrianglenews.com/cut_bank_pioneer_press/

Daily Inter Lake, 727 East Idaho, Kalispell MT 59901 (758-4447)
<http://www.dailyinterlake.com/>

Flathead Beacon, 217 Main Street, Kalispell MT 59901 (257-9220)
<http://www.flatheadbeacon.com/>

Fort Belknap News, RR1 Box 66, Harlem MT 59526 (353-2205)
<http://www.ftbelknap-nsn.gov/fbNews.php>

Fort Peck Journal, PO Box 351, Poplar, MT 59255, (768-5366)
http://fpj.sarteck.com/forum.php?action=view_forum&fid=7

Glacier Reporter, PO Box 349, Browning, MT 59417, Browning MT 59417 (338-2090)
http://www.goldentrianglenews.com/glacier_reporter/

Glasgow Courier, 341 Third Avenue South, Glasgow MT 59230 (228-9301)
<http://www.glasgowcourier.com/>

Great Falls Tribune, 205 River Drive So., Great Falls MT 59405 (791-1444or 800-438-6600)
<http://www.greatfallstribune.com/>

Havre Daily News, PO Box 431, Havre MT 59501-0431 (265-6795)
<http://www.havredailynews.com/>

Hays-Lodgepole Newsletter (Fort Belknap Reservation) PO Box 58, Hays, MT 59527

Hungry Horse News, 727 East Idaho, Kalispell MT 59901 (892-2151)
<http://www.flatheadnewsgroup.com/hungryhorsenews/>

Forsyth Independent Press, 183 N. 9th Ave., Forsyth MT 59327 (356-2149)
<http://yellowstonecommunications.com/forsyth/index.html>

Lake County Leader, PO Box 1090, Polson, MT 59860 (883-4343)
<http://www.leaderadvertiser.com/>

Liberty County Times, P.O. Box 689, Chester, MT 59522 (759-5355)
<http://highline.townnews.com/news/>

Little Shell Tribe of Chippewa Indians of Montana, P.O. Box 1384, Great Falls, MT 59403-1384 (452-2892) <http://www.littleshellmt.com/>

The Mountaineer News, PO Box 529, Big Sandy MT 59520-0529 (378-2176)

Northern Cheyenne News, Northern Cheyenne Agency, PO Box 128, Lame Deer MT 59043 (477-6284) <http://www.cheyennenation.com/news.html>

Ravalli Republic, 232 West Main, Hamilton, MT59840 (363-3300; Fax: 363-1767)
<http://www.ravallinews.com/>

Seeley Swan Pathfinder, PO Box 702, Seeley Lake MT 59868 (677-2022)
<http://www.seeleyswanpathfinder.com/>

The Shelby Promoter, PO Box 610, Shelby MT 59474 (434-5171)
http://www.goldentrianglenews.com/shelby_promoter/

Tobacco Valley News PO Box 307, Eureka MT 59917 (297-2514)
<http://www.tobaccovalleynews.com/>

The Western News, P O Box 1377 / Libby, MT 59923 / 406-293-4124
<http://www.thewesternnews.com/>

Whitefish Pilot, 312 2nd Street East, Whitefish MT 59937 (862-3505)
<http://www.whitefishpilot.com/>

Wolf Point Herald News, 408 Main, Wolf Point MT 59201 (653-2222)
http://www.northeastmontananews.com/index.php?option=com_content&view=section&id=8&Itemid=107

Wotanin Wowapi, PO Box 1027, Poplar MT 59255 (768-5387)
<http://wotanin.blogspot.com/> <http://www.cijj.org/newswatch?id=710>

Montana Office of Indian Affairs

<http://tribalnations.mt.gov/government.asp>



Tribal Governments

- **Blackfoot Reservation** <http://www.blackfeetnation.com/>
- **Crow Reservation** <http://www.crowtribe.com/>
- **Flathead Reservation** <http://www.cskt.org/gov/council.htm>
- **Fort Belknap Reservation** <http://www.ftbelknap-nsn.gov/index.php>
- **Fort Peck Reservation** <http://www.fortpecktribes.org/>
- **Northern Cheyenne Reservation** <http://www.cheyennenation.com/>
- **Rocky Boy's Reservation** <http://www.rockyboy.org/>
- **Little Shell Tribe of Montana's Chippewa Indians** <http://www.littleshellmt.com/>

EXHIBIT 5-G

APPLICANT SUMMARY SHEET

Background: Employment recruitment records should include a summary of the number of applicants for each position relating to the CDBG Program, and the number of applicants who are minorities, women and handicapped persons. **Chapter 5: pages 5-15, 5-16, 5-33 and 5-34.**

| CDBG Position | Total # of Applicants | # Minority Applicants | # Women Applicants | Handicapped Applicants |
|----------------------|------------------------------|------------------------------|---------------------------|-------------------------------|
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EXHIBIT 5-H

INTERVIEW AND HIRING FORM

| | |
|--|---------------------------|
| NAME OF APPLICANT: | ADDRESS AND PHONE: |
| POSITION APPLIED FOR: | |
| HOW DID THE APPLICANT FIND OUT ABOUT THE POSITION? | |
| PLEASE CHECK THE APPROPRIATE BOXES AS THEY APPLY: <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AMERICAN INDIAN/ALASKAN NATIVE <input type="checkbox"/> HISPANIC <input type="checkbox"/> ASIAN/PACIFIC ISLANDER <input type="checkbox"/> MALE <input type="checkbox"/> HANDICAPPED <input type="checkbox"/> ELDERLY (OVER 62) <input type="checkbox"/> FEMALE <input type="checkbox"/> HEAD OF HOUSEHOLD <input type="checkbox"/> LOW / MODERATE INCOME | |
| WAS THE APPLICANT SELECTED FOR AN INTERVIEW? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| IF NOT INTERVIEWED, DESCRIBE THE REASON: | |
| DATE OF INTERVIEW: | |
| PARTICIPANTS IN INTERVIEW: | |
| WAS THE APPLICANT HIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| IF NOT HIRED, DESCRIBE THE REASON: | |
| NAME AND TITLE OF PERSON PREPARING THIS REPORT: _____ | |
| Signature | |
| DATE REPORT PREPARED: __/__/__ | |

EXHIBIT 5-I

GRANTEE EMPLOYMENT SUMMARY

| CDBG POSITIONS: Job Category | TOTAL # IN CATEGORY | # MALE | | # FEMALE | | % Minority in Category | % Minority in Labor Force | % Female in Category | % Female in Labor Force (*) |
|---------------------------------|------------------------|--------------|----------|--------------|----------|------------------------------|---------------------------------|----------------------------|-----------------------------------|
| | | Non-Minority | Minority | Non-Minority | Minority | | | | |
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(*) Labor Force data available by county from U.S. Census data

EXHIBIT 5-J (Exhibit 5-J is the same as Exhibit 9-K and Exhibit 13-E.)

| Montana Department of Commerce / CDBG Program CONTRACT REPORTING FORM – CONTRACT AND SUBCONTRACT ACTIVITY For contract and subcontract activities of \$10,000 or more | | | | | | | | | | |
|--|------------------------------|---|--|--------------------------------|--|---|---------------|-------------|--------------|-----------------|
| Grantee Name | | | | | | | | | | Date Submitted: |
| Contact Person | | | Phone | | | | | | | |
| (A) Contractor's Montana Registration Number | (B) Amount of Contract | (C) Type of Trade (See codes below) | (D) Business Ethnicity, Racial Category and Gender (See codes below) | (E) Contractor ID Number | (F) Sub- contractor ID Number | (G) Contractor/Subcontractor -- Name and Address | | | | |
| | | | | | | <u>Name</u> | <u>Street</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
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| | | | | | | | | | | |
| | | <u>Trade Codes</u> 1 Construction 2 Education / Training 3 Other | <u>ETHNICITY CODES:</u> HL: <u>Hispanic or Latino</u> . NHL: (<u>Not Hispanic or Latino</u>). <u>RACIAL CODES:</u> 1. <u>White</u> . 2. <u>Black or African American</u> . 3. <u>Asian</u> . 4. <u>American Indian or Alaskan Native</u> . 5. <u>Native Hawaiian or Other Pacific Islander</u> . 6. <u>American Indian or Alaskan Native and White</u> . 7. <u>Asian and White</u> . 8. <u>Black or African American and White</u> . 9. <u>American Indian or Alaskan Native and Black or African American</u> . 10. <u>Other Multi-racial</u> . <u>GENDER CODES:</u> WBE (<u>Woman-owned</u>). | | | | | | | |

EXHIBIT 5-J CONTRACT REPORTING FORM

(Exhibit 5-J is the same as Exhibit 9-K and Exhibit 13-E.)

-- INSTRUCTIONS --

This report is to be used by grantees to report contract and subcontract activities of \$10,000 or more under the Community Development Block Grant (*Entitlement and Small Cities*). Grantees should also include contracts entered into by recipients of CDBG rehabilitation assistance. Contracts and subcontracts of less than \$10,000 may be reported at the option of the grantee, if the grantee believes that in the aggregate such contracts represent a significant portion of its contracting activity.

Business ethnicity, racial and gender codes (all of which are listed at the bottom of the form on page 1 of the form) are to be used to designate the ethnic, racial and gender character of the business entity receiving a contract or subcontract. To be classified in a particular racial, ethnic or gender category, a business entity must be 51% or more owned and controlled by the racial/ethnic/gender group members of the category. When a business is not 51% or more owned and controlled by a single racial/ethnic/gender group, enter the code for the group that seems most appropriate.

The contractors (*firms or organizations that contract directly with the local government receiving CDBG funds*) and subcontractors (*firms or organizations that contract with contractors*) names and addresses need only be included once on any quarterly report. The contractor's ID Number is to be shown on all prime contracts and on all of that contractor's subcontracts. For subcontracts, the subcontractor's ID number is also to be shown. When entering a subcontract show only the amount of the subcontract and the "type of trade" and business racial/ethnic/gender codes of the subcontractor. The form is to be completed as follows:

1. **Grantee Name.** Enter the name of the unit of government submitting report of contract/subcontract activity.
2. **Contact Person.** Enter name and phone number of person responsible for maintaining and submitting contract data at respective unit of government.
3. **Date Report Submitted.** Enter date the report is submitted to DOC.
4. **Contractor's Montana Registration Number [Column A].** Enter the contractor's license number.
5. **Amount of Contract [Column B].** Enter the dollar amount of the contract or subcontract. Round the figures to the nearest thousand dollars. If subcontractor ID Number is provided, the dollar figure would be for the subcontract only - not the prime contract.
6. **Type of Trade [Column C].** Enter the numeric code (*1 thru 3*) which best indicates the contractor's/subcontractor's service. If Subcontractor ID Number is provided, the type of trade code would be for the subcontractor only - not the prime contractor. The other category includes supply, professional services and all other activities except construction and education/training activities.

7. **Business Racial/Ethnicity/Gender Code [Column D].** Enter all the appropriate racial, ethnicity and gender codes (listed at the bottom of the form on page 1) that indicate the racial, ethnic and gender background of the contractor/subcontractor. If the Subcontractor ID Number is provided, the code would apply to the Subcontractor - not the Prime Contractor.
8. **Prime Contractor ID Number [Column E].** Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of CDBG funds. Note that the Employer's Number must be provided for each contract or subcontract awarded.
9. **Subcontractor ID Number [Column F].** Enter the Employer (IRS) Number of the Subcontractor as the unique identifier for each subcontract awarded from CDBG funds. (When the Subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.)
10. **Contractor/Subcontractor Name and Address [Column G].** Enter the name and address information for each firm receiving contract / subcontract activity. This information needs to be provided only one time on each report for each firm.

EXHIBIT 5-K

**SAMPLE LETTER OF WORK NOTIFICATION
TO A DISADVANTAGED BUSINESS ENTERPRISE (DBE) FIRM**

(Background: See Chapter 5: 5-11, 5-17, 5-18, 5-19, and 5-34.)

*Monty M. Montana
Town of Sunrise Community Development Director
600 Cottonwood Street
Sunrise, Montana 5999S*

Western Sky, Inc.
100 Main Street
Great Falls, MT 59401

To Whom It May Concern:

We understand that your firm is an eligible Disadvantaged Business Enterprise (DBE) according to the latest listing provided to us by the Montana Department of Transportation.

You are hereby notified that the Town of Sunrise is advertising for bids from interested firms in regard to construction of water system improvements planned for our community.

A copy of the bid advertisement is attached.

The deadline for receipt of bid offers is 5:00 pm, Wednesday, May 14, 200___. If you desire further information, please contact me at _____.

Thank you very much.

Sincerely,

Monty M. Montana
Community Development Director
Town of Sunrise

Enclosure

EEOO

EQUAL EMPLOYMENT OPPORTUNITY

The organization named herein receives Federal financial assistance from the US Department of Housing and Urban Development.

In its activities so assisted the organization is prohibited from discriminating against any employee or applicant for employment because of race, color, sex, national origin, religion, or handicap in connection with:

- employment, upgrading, demotion, or transfer
- recruitment or recruitment advertising
- layoff or termination
- rates of pay or other forms of compensation
- selection for training, including apprenticeship

This notice must be posed in conspicuous places available to employees and applicants for employment

(Your organization's name and address):

Requests for information and complaints of discrimination may be addressed to:

Human Rights Bureau
Department of Labor & Industry
P.O. Box 1728
Helena, MT 59620
(406) 444-2884

-- or to --

Montana CDBG Program
Department of Commerce
301 S. Park Avenue
P.O. Box 200523
Helena, MT 59620-0523
(406) 841-2791

MONTANA DEPARTMENT OF COMMERCE

EXHIBIT 5-M

SAMPLE FAIR HOUSING RESOLUTION

Whereas, the (City/Town Council or Board of County Commissioners) desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States, and to encourage and bring about mutual self-respect and understanding among all citizens and groups in the (City/Town/County); and,

Whereas, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

Whereas, under the Montana State Fair Housing Law, Title 49-2-305, MCA, it is illegal to deny housing to any person because of race, sex, religion, color, age, physical or mental handicap or national origin;

Therefore, be it resolved the (Name of CDBG Grantee), Montana makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing.

Therefore, be it also resolved that a Fair Housing Law poster which has the “Equal Housing Opportunity “ logo will be displayed at (City/Town Hall or County Courthouse).

Therefore, be it also resolved that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The (City/Town Council/Board of County Commissioners) shall inform all (City/Town/County) employees of the (City/Town/County's) commitment to fair housing.
2. The (City/Town/Council/Board of County Commissioners) will post this resolution in (City/Town/County) buildings and other public places and publicize it.
3. The (City/Town Council/Board of County Commissioners) shall direct all employees to forward immediately to the (Mayor/Chairperson) any reports they receive of housing discrimination.
4. The (Mayor/Chairperson) shall forward such complaints to the Montana Human Rights Commission, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624-1728, within 10 days of receipt of said complaint.

Signature: _____

Title: _____

Date: _____



EQUAL HOUSING OPPORTUNITY

We Do Business In Accordance With the Federal Fair Housing Law

(Title VIII of the Civil Rights Act of 1968, as Amended by
the Fair Housing Act of 1988 – the Fair Housing Act)

**IT IS ILLEGAL TO DISCRIMINATE AGAINST
ANY PERSON BECAUSE OF RACE, COLOR,
RELIGION, SEX, OR NATIONAL ORIGIN:**

- In the sale or rental of housing or residential lots
 - In advertising the sale or rental of housing
 - In the financing of housing
- In the provision of real estate brokerage services.
 - Blockbusting is also illegal

**An aggrieved person may file a complaint of a housing discrimination act with the:
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

Call Toll-free: 1 (800) 669-9777

Or write:

**HUD Office of Fair Housing and Equal Opportunity
451 Seventh St. SW, Room 5204
Washington, DC 20410-2000
Washington, D.C. 20410**

Sample Fair Housing Handout and Complaint Pamphlet

“Are You a Victim of Housing Discrimination?”

HUD Pamphlet: HUD-903.1

<http://www.hud.gov/offices/adm/hudclips/forms/files/903-1.pdf>

Are You a Victim of Housing Discrimination?

Fair Housing is Your Right!

If you have been denied your
housing rights...you may have
experienced unlawful discrimination.

**U.S. Department of Housing and Urban Development
HUD Pamphlet: HUD-903.1**

EXHIBIT 5-P

SAMPLE HOUSING PROGRAM NOTICE

THE TOWN OF DILLON

THROUGH THE EAST END HOUSING REHAB PROGRAM
IS ACCEPTING

**APPLICATIONS
FOR HOUSING
REHABILITATION AND
DEMOLITION
IN THE EAST END TARGET AREA**

*For more information regarding the
program or income requirements, CALL 486-2700*

Equal Housing Opportunity
We do business in accordance with the
Federal Fair Housing Act



EXHIBIT 5-Q

**SAMPLE
HATCH ACT RESOLUTION**

Background: Chapter 5, page 5-3 -- CDBG Grantees must adopt a Hatch Act Resolution and

- inform local government officials and CDBG grantee employees of the provisions of the Hatch Act; and
 - designate a local government representative to disseminate the information and brochure regarding Hatch Act responsibilities.
-

RESOLUTION No: _____

WHEREAS, the federal Hatch Act (5 USC, §§ 1501 et seq.) restricts the political activity of local government employees employed in connection with programs financed in whole or in part by federal loans or grants; and

WHEREAS, the Hatch Act attempts to deter the political influence of public employees connected with federally funded programs; and

WHEREAS, the *(City/Town/County)* receives federal loans or grants from the federal government to support various programs; and

WHEREAS, local governments which receive loans and grants from the federal government are required to inform all employees of the provisions of the Hatch Act and to adopt a policy of compliance with its regulations;

THEREFORE, BE IT RESOLVED, that the *(City or Town Clerk, County Clerk and Recorder, or Personnel Officer)* is hereby appointed to serve as Hatch Act Information Officer, and that as such he/she will inform each of the *(City's/Town's/County's)* officials and employees of the provisions of the Hatch Act through the use of an employee manual, written memoranda or other written means of notification, maintain on file a copy of the brochure entitled *Political Activity and the State and Local Employee*, http://www.osc.gov/documents/hatchact/ha_fed.pdf, and monitor compliance with the provisions of the Hatch Act.

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

EXHIBIT 5-R

Sample SECTION 504 and ADA COMPLAINT RESOLUTION PROCEDURES and ADA COMPLAINT FORM

... To be adopted by the CDBG Grantee as part of CDBG project start-up activities ...
See Chapter 5: pages 5-2, 5-24, 5-25

Section 504 of the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990* (ADA) provide comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that:

no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.

The (*Name of CDBG Grantee*) has adopted this complaint procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual who believes that she/he or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the (*Name of GDBG grantee*) or any of the (*Name of CDBG Grantee's*) contractors or suppliers may, by himself or herself or by an authorized representative, file a written complaint.

Complaints or questions should be addressed to: (*Name, Title, Address and Phone Number of Contact Person*), TDD # (406) ____-____. Montana Relay System for the Deaf: Dial 711 or 1-800-253-4091 to use Montana Relay. The (*Title of assigned individual*) has been designated to coordinate compliance with Section 504 of the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*.

1. The complaint must be filed in writing and contain the name, address, and telephone number of the individual or representative filing the complaint; a description of the alleged discriminatory action in sufficient detail to inform the department of the nature and date of the alleged violation; the signature of the complainant or authorized representative; and a description of the corrective action that is being sought. Complaints filed on behalf of a third party must identify the alleged victims of the discrimination. Complaints may be filed on the attached complaint form.
2. The complaint must be received within 20 calendar days after the alleged violation occurs. This time may be extended, as determined by the Section 504/ADA Coordinator, for good cause shown.

3. The (Name of CDBG Grantee) shall promptly conduct an informal investigation of the complaint. Interested parties will be afforded an opportunity to submit information relevant to the complaint.
4. A written response will be issued and a copy forwarded to the complainant no later than 30 calendar days after completion of the investigation.
5. The (Name of CDBG Grantee) will maintain the files and records relating to the complaint and its investigation according to the records retention schedule for personnel documents found in Chapter 800, *Montana Operations Manual*, Volume I.
6. Nothing in this complaint resolution procedure shall be construed as preventing an individual from pursuit of other remedies, including filing a formal complaint with the Montana Human Rights Commission, with any federal agency the individual believes is appropriate, or with the U.S. Department of Justice. The time limit for filing a formal complaint is 180 days after the alleged incident. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

Chief Elected Official/Board Chairman

Date

(Name of CDBG Grantee)

ADA COMPLAINT FORM

COMPLAINANT'S NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____ (8:00 am to 5:00 pm, Mon-Fri)

PLEASE DESCRIBE THE ALLEGED DISCRIMINATORY ACTION OR DENIAL OF SERVICE.

Please provide sufficient details. Include: description of alleged discriminatory action, names, dates, places, actions/events, witnesses, etc.

[] CHECK HERE if additional pages are attached

PLEASE SPECIFY WHAT CORRECTIVE ACTION YOU ARE SEEKING:

[] CHECK HERE if additional pages are attached.

SIGNATURE OF PERSON MAKING COMPLAINT

DATE

COMPLAINTS SHOULD BE ADDRESSED TO: (*Name and Address of ADA/Section 504 Coordinator*). Telecommunications Device for the Deaf – TDD: (406) 444-2978.
Dial 711 or 1-800-253-4091 to use the Montana Relay Service.

* * * * *

FOR AGENCY USE ONLY

SIGNATURE

DATE

TITLE

Exhibit 5-S

Sample

ADA Self-Evaluation Inventory and Transition Plan

**Sample
ADA Self-Evaluation Inventory and Transition Plan**

PHILLIPS COUNTY



Americans With Disabilities Act (ADA)

**Facility Inventory
Possible Solutions
Implementation Schedule
Grievance Procedure
Notice**

April, 2003

PREFACE

With compliance of the Americans with Disabilities Act (ADA) in mind, the County undertook the Title II Action Guide for State and Local Governments. The Title II regulations prohibit public entities from discriminating against or excluding people from programs, services, or activities on the basis of disabilities. The Title II requirements are very similar to the requirements of the Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination in all entities that receive federal financial assistance. The County personnel followed the ADA Title II Action Guide dated 1992.

The Five Action Steps of this approach were the following:

1. Designate a responsible employee
2. Provide notice of ADA requirements
3. Establishment of grievance procedures
4. Conduct a self-evaluation
5. Develop a transition plan

County Personnel assisted with the development of the transition plan. They were Carol Kienenberger, Troy Blunt and Richard Dunbar.

The transition plan was approved and adopted by the Phillips County Commission on ____ day of _____, 2003.

Richard Dunbar

Troy Blunt

Carol Kienenberger

NOTICE

Phillips County does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Phillips County does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Phillips County's designated ADA Compliance Coordinator.

Name: Carol Kienenberger
Title: Commissioner
Address: 314 South 2nd Avenue West
Malta MT 59538-0360
Phone (406)654-2429
Available 8:00 a.m. to 5:00 p.m.

Individuals who need auxiliary aids for effective communication in programs or services of Phillips County are invited to make their needs and preferences known to the ADA Compliance Coordinator.

This notice is available in large print, on audio tape, from the ADA Compliance Coordinator.

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by Phillips County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Carol Kienenberger, ADA Coordinator
(406)654-2429
314 South 2nd Avenue West, Malta MT 59538

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and, where appropriate, in a format

accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Phillips County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the Commissioners or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Commissioners or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ADA Coordinator, appeals to the Commissioners or their designee, and responses from the ADA Coordinator and Commissioners or their designee will be kept by Phillips County for at least three years.

**PHILLIPS COUNTY
AMERICANS WITH DISABILITIES ACT**

FACILITY INVENTORY

COURTHOUSE

The main County Offices are located within the Courthouse located at 314 South 2nd Avenue West in Malta. The following is a list of the offices within the Courthouse: Appraisal, Clerk & Recorder, Clerk of Court, Commissioners, District Judge, Justice of the Peace, Planning Board, Sheriff's Office & Jail, Treasurer, Sanitarian, Superintendent of Schools, Welfare Office and Youth Court Services.

Accessible Approach/Entrances

There is a route of travel that does not require the use of stairs. The route is stable, firm and is at least 36 inches wide. The sidewalks have curb cuts.

Parking

Parking around the Courthouse is parallel parking along the street, and a parking lot. Two handicapped parking spaces have been designated within the parking lot. The international symbol does not include the fine amount.

Entrances:

There are stairs at the main entrance. However, there is a ramp to the basement level. The slope of the ramp is not greater than 1:12. There is a hand railing on one side, which is sturdy and is 32 inches high. There are no signs at the inaccessible entrances indicating the accessible route. The entrance door has 35" clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold is less than 1/4 inch high. The door handle is no higher than 48 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There is no alarm system. All exits are clearly marked. However, the signs are not in Braille.

Access to Programs/Services

The floor plans are basically the same on each floor. These are the issues that were consistent on each floor. The entrances into the offices have a direct access from the lobby. The accessible route is at least 36 inches wide. There is adequate maneuvering space. The doors into the public space are at least 32-inches. The doors cannot be operated with a closed fist. However, all the doors remain open during business hours. In the offices, there is adequate floor space for turning a wheelchair. In situations without adequate space, the furniture can be moved to accommodate. Several of the offices have a vault. The doorway into the vault is only 30-1/2 inches. In several of the offices, the counter is higher than 32 inches. The signs designating offices, rest rooms and exits do not have raised letters, Braille and are not mounted at correct height.

Rest Rooms

The public rest room is located on the 1st floor. However, there is no elevator access to the floor. The doorway is 22-1/2 inches. The door handles cannot be operated with a closed fist. There is not adequate maneuvering space within the room. There are grab bars on the side wall nearest the toilet. The toilet seat was lower than 17 inches. There is not a 36-inch wide path to the fixtures. There are no stalls. The lavatory is installed within vanity. The faucet cannot be operated with a closed fist. The soap, hand dryer and mirror are mounted too high.

Amenities

There are no drinking fountains or public telephones.

Elevator

There is no elevator. The accessible route provides access to the basement.

Assisted Listening Systems

TDD capability is available through 711 statewide systems.

1st FLOOR

The offices located on this floor include the Superintendent of Schools, Justice of Peace, Welfare, Sanitarian/Planner, Ambulance and Custodial.

2nd FLOOR

The offices located on this floor include the Clerk & Recorder, Treasurer, Commission and Assessor. The office space on the second floor is not accessible due to the lack of an elevator. Space is available to bring services to the individual.

3RD FLOOR

The offices located on this floor include the District Judge, Clerk of Court, Courtroom and Youth Court Services. The office space on the second floor is not accessible due to the lack of an elevator. Space is available to bring services to the individual.

SHERIFF AND JAIL

The facility is adjacent to the west side of the County Courthouse. The sheriff's office utilizes the same parking lot as the Courthouse.

Entrances

There is a route of travel that does not require the use of stairs. The entrance doors have 34 inches clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is at 41 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

The alarms do not have flashing lights. Six smoke alarms are in place.

Access to Programs

The layout of the building allows people with disabilities to obtain materials or services without assistance. The accessible entrances provide direct access to the main floor. All public spaces are on accessible routes. However, the accessible route is only 35 inches wide. There is adequate maneuvering space. The door into the public space has at least 32 inches clear opening. However, the pull side of the door, next to the handle, does not have at least 18 inches of clear wall space. The door can be opened without much force. The door handles are at 41 inches and can be operated with a closed fist. The thresholds level is less than 1/4 inch high. The rooms within the facility are accessible, i.e., adequate maneuvering space, adequate aisles and pathways. The controls are below the maximum height of 54 inches and can be operated with a closed fist. The counter tops are 30 inches and provide adequate knee space. The cells within the jail are accessible. The signs do not comply with the requirements for tactile signage. The tops of the counters are 30 inches high. There is adequate knee space at the accessible tables.

Rest Rooms

At least one rest room is fully accessible. However, there are no signs indicating the accessible restrooms. The doorway is 35 inches. The door handles are 41 inches high. The door can be easily opened. There is adequate maneuvering space. There is at least 36 inch wide path to all the fixtures. There are no stalls or grab bars. The lavatory has adequate clear space in the front. The faucets can be operated with a closed fist. The soap dispenser, hand dryers and mirror are mounted too high.

Amenities

There is no drinking fountain or public telephone within the building.

LIBRARY

The Library is located at 10 South 4th Street East. The library is located on the main floor. The Extension Office and PhillCo Economic Growth Council are located in the basement.

Accessible Approach

The route of travel does not require the use of stairs. The route of travel is stable, firm and is 35 inches wide. There are curb cuts available.

Parking

There is a parking lot on the south side of the building. There is also parking along the street. However, there are no designated handicapped parking spaces.

Entrances

The main entrance is on ground level; hence, it does not require the use of stairs. The south entrance cannot be used by a wheelchair and it does not have signs indicating the location of the nearest accessible entrance. The north entrance door is 35 inches wide. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is 40 inches. However, it cannot be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There are no emergency alarms. The exit signs are not in raised letters or in Braille.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. The doors into the public spaces have at least 32 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The doors can be operated without too much force. The door handles can be operated with a closed fist. The threshold level is less than 1/4 inch. The rooms and spaces on the first level provide adequate maneuvering space. The aisles between the book shelves do not provide adequate clearance. There are insufficient signs designating rooms and spaces. There is no elevator. Hence, the offices in the basement, including the meeting room, are not accessible.

Rest Rooms

On the main floor, the rest room doorway has 35 inches of clearance. The doors are equipped with accessible handles and can be easily opened. The entry configuration provides adequate maneuvering spaces. There is at least 36 inch wide path to all fixtures. There are no stalls. Grab bars are installed. The toilet seat is only 15 inches high. The lavatory has adequate clear space in front. The faucets cannot be operated with a closed fist. The soap dispensers, hand dryers and mirror are mounted too high.

Stairs

The treads have a non-slip surface. However, the hand railing does not have extension beyond the top and bottom of the stairs.

Amenities

The spout on the drinking fountain is higher than 36 inches from the ground. The controls are mounted on the front and can be operated with one closed fist. The fountain does not protrude more than 4 inches into the circulation space.

There are no public telephones within the building.

COUNTY ROAD SHOP

The County has three county shops. The shops in Dodson and Saco were built in 1954. The shop in Malta was built in 2000. The facilities are used primarily for storage and maintenance of equipment. The buildings are at ground level.

Accessible Approach

The facility is on ground level. There is a route of travel that does not require the use of stairs. The route of travel is stable, firm and at least 36" wide. There are no curbs. The route to the facility is packed gravel.

Parking

There is no designated handicapped parking.

Entrances

The entrance doors have at least 32 inches of clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The thresholds at the Dodson and Saco shops are 1-1/2 inches high. The door handles are no higher than 48 inches. The doors on the Malta and Dodson shops cannot be opened with a closed fist.

Emergency Egress

None of the shops have emergency alarms.

Access to Programs/Services

The layout of the building allows for people with disabilities to obtain materials or services without assistance. As large shop facilities, once inside there is adequate maneuvering space. The shops have concrete floors.

Rest Rooms

There is one unisex bathroom in each shop. The doorway at the Saco shop has less than 32 inches of clearing. The Saco and Dodson shops do not have adequate maneuvering space. There are no stalls in the restrooms. The Saco and Dodson shops do not have grab bars. The Saco and Dodson shops do not have adequate clear space in front of the lavatories and the faucets can not be operated with a closed fist.

Amenities

There is no drinking fountain or public telephone within the buildings.

FAIRGROUNDS (DODSON)

The fairground has several buildings, barns and a grandstand. The roadway and paths are packed dirt and gravel. Buildings are on one level; hence no stairs are necessary. Doors are at least 32

inches, except on the historic buildings. The doors are open if the building is open to the public. The grandstand has a ground level area for wheelchairs for events.

Restrooms

A new men's restroom was constructed in 2002 and is fully accessible. The women's restroom is accessible in an older building. However, there are no signs indicating the location of the accessible restroom.

PAVILION

The pavilion is located at Highway 2 East. The pavilion is enclosed with a viewing area and wooden bleachers. There is no sidewalk leading to the pavilion.

NURSE'S OFFICE - CLINIC

The facility is located at 105 South 2nd Street East in Malta. The County Nurse and Chemical Dependency offices are located at the facility.

Accessible Approach

There is a route of travel that does not require the use of stairs. The route is stable, firm and is at least 36 inches wide. There are curb cuts.

Parking

There is a small parking lot on the East side of the building, along with street parking. However, there are no designated handicapped parking spaces.

Entrances

The main entrance does not require the use of stairs. The building has a double door entrance. Both doors open to the inside. Because of the lack of space between the two doors, the second door would be more difficult to operate from a wheelchair. The main entrance door has 35 inches of clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than ½ inch high. The door handle is 35 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

The building has no alarm system.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. The public spaces have an accessible route. The route is 54 inches wide. The doors, into the public space, have 35-inch of clear opening. Of the five rooms, three rooms have at least 18 inches of clear wall space. The door handles are less than 48 inches high but cannot be operated with a closed fist. The rooms and spaces do provide adequate maneuvering space. The counter top is 42 inches high.

Rest Rooms

There is at least one rest room which is fully accessible. The doorway has 35 inches clear opening. The door handles are at 40 inches high and cannot be operated with a closed fist. The doors cannot be opened easily. The entry configuration provides adequate maneuvering spaces. There is a 60-inch wide path to the fixtures. There are no stalls. Grab bars are installed. The toilet seat is 19 inches high. The lavatory has adequate clear space in front. The faucet can be operated with a closed fist. There is no tactile signage identifying the rest rooms.

Amenities

There is no drinking fountain or public telephone within the building.

MUSEUM

The museum is located on Highway 2 East.

Accessible Approach

The route of travel does not require the use of stairs. The route of travel is stable, firm and at least 36 inches wide. There are curb cuts available.

Parking

There are designated handicapped parking spaces. The accessible space is the closest to the accessible entrance. The International Symbol does not have the fine posted.

Entrances

The main entrance is on ground level; hence, it does not require the use of stairs. The entrance door is 36 inches wide. There are at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is 45 inches and can be opened with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There are no alarms.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. Some of the displays are on the 2nd level. However, there is no elevator available. The doors into the public spaces have at least 32 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The doors can be operated without too much force. The door handles cannot be operated with a closed fist. The threshold level is less than 1/4 inch. The rooms and spaces on the first level provide adequate maneuvering space. However, there are insufficient signs designating rooms and spaces.

Stairs

The treads have a non-slip surface. There are no extensions on the hand railings beyond the top and bottom of the stairs.

Rest Rooms

At least one rest room is fully accessible. The doorway is at least 32 inches. The doors are equipped with accessible handles. The doors can be opened easily. The entry configuration provides adequate maneuvering spaces. There is at least 36 inch wide path to all fixtures. There are no stalls. Grab bars are installed. The toilet seat is 18" high. The lavatory has adequate clear space in front. The faucets can be operated with a closed fist. The soap dispensers, hand dryers and mirror are mounted at the proper height.

Amenities

There is no drinking fountain or public telephone within the building.

FOOD BANK

The Food Bank is located at 133½ South 1st Street West.

Accessible Approach

The route of travel does not require the use of stairs. The route is stable, firm and at least 36 inches wide. There are curb cuts available.

Parking

There is no designated handicapped parking space.

Entrances:

The route of travel does require the use of stairs. There are no ramps into the facility. The entrance door has 40 inches clear opening. There is 24 inches of clear wall space on the pull side of the door. The threshold is 1 inch high. The door handle is 40 inches high and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

No emergency egress system.

Access to Programs/Services

The door into the public space has 31 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The door can be opened without too much force. The door handle is at 36 inches and can be operated with a closed fist. The threshold level is less than 1/4 inch. There is adequate maneuvering space in the rooms, or the furniture can be rearranged to clear more room. The counter tops are 29 inches high.

Stairs

The stairs are stable, firm and at least 36 inches wide. The stairs have a non-slip surface. There are hand railings on one side.

Rest Rooms

There is only one restroom and it is not accessible. The doorway has 28 inches clearing. The door handles are accessible and can be opened with a closed fist. The door can be easily opened. The entry configuration provides for adequate maneuvering space. There is 36 inch wide path to all the fixtures. There are no stalls. There are no grab bars. The toilet seat is at 15-1/2 inches. The lavatory has adequate clear space in front. The lavatory rim is no higher than 34 inches. The faucet cannot be operated with a closed fist. The soap and hand dryers are within reach ranges. However, the mirror is mounted at 49 inches high.

Amenities

There is no drinking fountain or public telephone.

POSSIBLE SOLUTIONS

COURTHOUSE

Parking - The International Symbol of Accessibility signs should have the fee posted. (Cost \$100)

Entrances - Install signs at the inaccessible entrances indicating the location of the accessible entrance. (Cost \$100)

Program/Services - Access to other floors continues to be problematic. An intercom or phone system could be installed at the entrance to allow individuals to contact anyone on the other floors. Services can then be brought to individuals. Space should be available so meetings could be conducted on the first floor. (Cost \$250). Ideally, an elevator should be installed. The only viable option would be an exterior elevator. (Cost \$300,000 to \$500,000). The offices utilize a vault, which is only 30" in width and cannot be structurally modified. Several of the offices have counters higher than 32 inches. An auxiliary table should be provided.

Egress - When updating the emergency egress system, the system should be updated to accommodate flashing lights and sirens. (Cost \$5,000)

Rest Rooms - The doorways into the restroom cannot be structurally modified. An alternative is to construct one unisex restroom on one of the floors, preferably in the basement, and install signs indicating the location of the accessible restroom. (Cost \$5,000). If missing, grab bars should be installed in all restrooms (Cost \$100 each).

SHERIFF'S OFFICE AND JAIL

Emergency Egress - When updating the emergency egress system, the system should be updated to accommodate both flashing lights and audible alarms. (Cost \$5,000)

Access to Programs - The proper signage should be installed (Cost \$500).

Restrooms - Signs should be installed indicating the location of the accessible restroom (Cost \$100). Install grab bars. (Cost \$75 each restroom) Lower the soap dispenser, hand dryers and mirror.

LIBRARY

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - The non accessible entrance (back door) should have a sign indicating the accessible door (Cost \$100). When the door handle is replaced, a hoop handle should be installed.

Access to Programs - The Extension Service and PhillCo are willing to meet with handicapped individuals at different locations. This service should be publicized. Proper signs should be installed indicating the location of exits, restrooms and offices. (Cost \$500). When replacing the faucet or handles, paddle type handles should be installed. Add a raised seat for the toilet. (Cost \$100). Lower the soap dispenser, hand dryer and mirror.

COUNTY SHOP

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - A ramp over the thresholds at the Saco and Dodson shops should be installed (Cost \$100 each). When the door handles are replaced, the loop or lever handles should be installed.

Rest rooms - Grab bars should be installed at the Saco and Dodson shops. (Cost \$75 each).

FAIRGROUNDS

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Restrooms - Signs should be installed indicating the location of the accessible restrooms.

NURSING OFFICE - CLINIC

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Access to Programs - an auxiliary table should be provided (Cost \$20). When the door handles are replaced, looped or levered handles should be installed.

Bathrooms - When the door handles are replaced, looped or levered handles should be installed. The proper signage should be installed. (Cost \$100)

MUSEUM

Parking - The existing international signs should have the fee posted (Cost \$100).

Access to Services - The proper signs should be installed (Cost \$200).

FOOD BANK

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - Since the facility requires the use of stairs, perhaps a buzzer can be installed to indicate assistance.

Bathrooms - The doorway into the restrooms should be widened. Grab bars should be installed (\$100). When replacing the faucet handles, the paddle type should be used.

Exhibit 5-S

Sample

ADA Self-Evaluation Inventory and Transition Plan

**Sample
ADA Self-Evaluation Inventory and Transition Plan**

PHILLIPS COUNTY



Americans With Disabilities Act (ADA)

**Facility Inventory
Possible Solutions
Implementation Schedule
Grievance Procedure
Notice**

April, 2003

PREFACE

With compliance of the Americans with Disabilities Act (ADA) in mind, the County undertook the Title II Action Guide for State and Local Governments. The Title II regulations prohibit public entities from discriminating against or excluding people from programs, services, or activities on the basis of disabilities. The Title II requirements are very similar to the requirements of the Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination in all entities that receive federal financial assistance. The County personnel followed the ADA Title II Action Guide dated 1992.

The Five Action Steps of this approach were the following:

1. Designate a responsible employee
2. Provide notice of ADA requirements
3. Establishment of grievance procedures
4. Conduct a self-evaluation
5. Develop a transition plan

County Personnel assisted with the development of the transition plan. They were Carol Kienenberger, Troy Blunt and Richard Dunbar.

The transition plan was approved and adopted by the Phillips County Commission on ____ day of _____, 2003.

Richard Dunbar

Troy Blunt

Carol Kienenberger

NOTICE

Phillips County does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Phillips County does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Phillips County's designated ADA Compliance Coordinator.

Name: Carol Kienenberger
Title: Commissioner
Address: 314 South 2nd Avenue West
Malta MT 59538-0360
Phone (406)654-2429
Available 8:00 a.m. to 5:00 p.m.

Individuals who need auxiliary aids for effective communication in programs or services of Phillips County are invited to make their needs and preferences known to the ADA Compliance Coordinator.

This notice is available in large print, on audio tape, from the ADA Compliance Coordinator.

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by Phillips County.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Carol Kienenberger, ADA Coordinator
(406)654-2429
314 South 2nd Avenue West, Malta MT 59538

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and, where appropriate, in a format

accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Phillips County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the Commissioners or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Commissioners or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ADA Coordinator, appeals to the Commissioners or their designee, and responses from the ADA Coordinator and Commissioners or their designee will be kept by Phillips County for at least three years.

**PHILLIPS COUNTY
AMERICANS WITH DISABILITIES ACT**

FACILITY INVENTORY

COURTHOUSE

The main County Offices are located within the Courthouse located at 314 South 2nd Avenue West in Malta. The following is a list of the offices within the Courthouse: Appraisal, Clerk & Recorder, Clerk of Court, Commissioners, District Judge, Justice of the Peace, Planning Board, Sheriff's Office & Jail, Treasurer, Sanitarian, Superintendent of Schools, Welfare Office and Youth Court Services.

Accessible Approach/Entrances

There is a route of travel that does not require the use of stairs. The route is stable, firm and is at least 36 inches wide. The sidewalks have curb cuts.

Parking

Parking around the Courthouse is parallel parking along the street, and a parking lot. Two handicapped parking spaces have been designated within the parking lot. The international symbol does not include the fine amount.

Entrances:

There are stairs at the main entrance. However, there is a ramp to the basement level. The slope of the ramp is not greater than 1:12. There is a hand railing on one side, which is sturdy and is 32 inches high. There are no signs at the inaccessible entrances indicating the accessible route. The entrance door has 35" clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold is less than 1/4 inch high. The door handle is no higher than 48 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There is no alarm system. All exits are clearly marked. However, the signs are not in Braille.

Access to Programs/Services

The floor plans are basically the same on each floor. These are the issues that were consistent on each floor. The entrances into the offices have a direct access from the lobby. The accessible route is at least 36 inches wide. There is adequate maneuvering space. The doors into the public space are at least 32-inches. The doors cannot be operated with a closed fist. However, all the doors remain open during business hours. In the offices, there is adequate floor space for turning a wheelchair. In situations without adequate space, the furniture can be moved to accommodate. Several of the offices have a vault. The doorway into the vault is only 30-1/2 inches. In several of the offices, the counter is higher than 32 inches. The signs designating offices, rest rooms and exits do not have raised letters, Braille and are not mounted at correct height.

Rest Rooms

The public rest room is located on the 1st floor. However, there is no elevator access to the floor. The doorway is 22-1/2 inches. The door handles cannot be operated with a closed fist. There is not adequate maneuvering space within the room. There are grab bars on the side wall nearest the toilet. The toilet seat was lower than 17 inches. There is not a 36-inch wide path to the fixtures. There are no stalls. The lavatory is installed within vanity. The faucet cannot be operated with a closed fist. The soap, hand dryer and mirror are mounted too high.

Amenities

There are no drinking fountains or public telephones.

Elevator

There is no elevator. The accessible route provides access to the basement.

Assisted Listening Systems

TDD capability is available through 711 statewide systems.

1st FLOOR

The offices located on this floor include the Superintendent of Schools, Justice of Peace, Welfare, Sanitarian/Planner, Ambulance and Custodial.

2nd FLOOR

The offices located on this floor include the Clerk & Recorder, Treasurer, Commission and Assessor. The office space on the second floor is not accessible due to the lack of an elevator. Space is available to bring services to the individual.

3RD FLOOR

The offices located on this floor include the District Judge, Clerk of Court, Courtroom and Youth Court Services. The office space on the second floor is not accessible due to the lack of an elevator. Space is available to bring services to the individual.

SHERIFF AND JAIL

The facility is adjacent to the west side of the County Courthouse. The sheriff's office utilizes the same parking lot as the Courthouse.

Entrances

There is a route of travel that does not require the use of stairs. The entrance doors have 34 inches clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is at 41 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

The alarms do not have flashing lights. Six smoke alarms are in place.

Access to Programs

The layout of the building allows people with disabilities to obtain materials or services without assistance. The accessible entrances provide direct access to the main floor. All public spaces are on accessible routes. However, the accessible route is only 35 inches wide. There is adequate maneuvering space. The door into the public space has at least 32 inches clear opening. However, the pull side of the door, next to the handle, does not have at least 18 inches of clear wall space. The door can be opened without much force. The door handles are at 41 inches and can be operated with a closed fist. The thresholds level is less than 1/4 inch high. The rooms within the facility are accessible, i.e., adequate maneuvering space, adequate aisles and pathways. The controls are below the maximum height of 54 inches and can be operated with a closed fist. The counter tops are 30 inches and provide adequate knee space. The cells within the jail are accessible. The signs do not comply with the requirements for tactile signage. The tops of the counters are 30 inches high. There is adequate knee space at the accessible tables.

Rest Rooms

At least one rest room is fully accessible. However, there are no signs indicating the accessible restrooms. The doorway is 35 inches. The door handles are 41 inches high. The door can be easily opened. There is adequate maneuvering space. There is at least 36 inch wide path to all the fixtures. There are no stalls or grab bars. The lavatory has adequate clear space in the front. The faucets can be operated with a closed fist. The soap dispenser, hand dryers and mirror are mounted too high.

Amenities

There is no drinking fountain or public telephone within the building.

LIBRARY

The Library is located at 10 South 4th Street East. The library is located on the main floor. The Extension Office and PhillCo Economic Growth Council are located in the basement.

Accessible Approach

The route of travel does not require the use of stairs. The route of travel is stable, firm and is 35 inches wide. There are curb cuts available.

Parking

There is a parking lot on the south side of the building. There is also parking along the street. However, there are no designated handicapped parking spaces.

Entrances

The main entrance is on ground level; hence, it does not require the use of stairs. The south entrance cannot be used by a wheelchair and it does not have signs indicating the location of the nearest accessible entrance. The north entrance door is 35 inches wide. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is 40 inches. However, it cannot be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There are no emergency alarms. The exit signs are not in raised letters or in Braille.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. The doors into the public spaces have at least 32 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The doors can be operated without too much force. The door handles can be operated with a closed fist. The threshold level is less than 1/4 inch. The rooms and spaces on the first level provide adequate maneuvering space. The aisles between the book shelves do not provide adequate clearance. There are insufficient signs designating rooms and spaces. There is no elevator. Hence, the offices in the basement, including the meeting room, are not accessible.

Rest Rooms

On the main floor, the rest room doorway has 35 inches of clearance. The doors are equipped with accessible handles and can be easily opened. The entry configuration provides adequate maneuvering spaces. There is at least 36 inch wide path to all fixtures. There are no stalls. Grab bars are installed. The toilet seat is only 15 inches high. The lavatory has adequate clear space in front. The faucets cannot be operated with a closed fist. The soap dispensers, hand dryers and mirror are mounted too high.

Stairs

The treads have a non-slip surface. However, the hand railing does not have extension beyond the top and bottom of the stairs.

Amenities

The spout on the drinking fountain is higher than 36 inches from the ground. The controls are mounted on the front and can be operated with one closed fist. The fountain does not protrude more than 4 inches into the circulation space.

There are no public telephones within the building.

COUNTY ROAD SHOP

The County has three county shops. The shops in Dodson and Saco were built in 1954. The shop in Malta was built in 2000. The facilities are used primarily for storage and maintenance of equipment. The buildings are at ground level.

Accessible Approach

The facility is on ground level. There is a route of travel that does not require the use of stairs. The route of travel is stable, firm and at least 36" wide. There are no curbs. The route to the facility is packed gravel.

Parking

There is no designated handicapped parking.

Entrances

The entrance doors have at least 32 inches of clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The thresholds at the Dodson and Saco shops are 1-1/2 inches high. The door handles are no higher than 48 inches. The doors on the Malta and Dodson shops cannot be opened with a closed fist.

Emergency Egress

None of the shops have emergency alarms.

Access to Programs/Services

The layout of the building allows for people with disabilities to obtain materials or services without assistance. As large shop facilities, once inside there is adequate maneuvering space. The shops have concrete floors.

Rest Rooms

There is one unisex bathroom in each shop. The doorway at the Saco shop has less than 32 inches of clearing. The Saco and Dodson shops do not have adequate maneuvering space. There are no stalls in the restrooms. The Saco and Dodson shops do not have grab bars. The Saco and Dodson shops do not have adequate clear space in front of the lavatories and the faucets can not be operated with a closed fist.

Amenities

There is no drinking fountain or public telephone within the buildings.

FAIRGROUNDS (DODSON)

The fairground has several buildings, barns and a grandstand. The roadway and paths are packed dirt and gravel. Buildings are on one level; hence no stairs are necessary. Doors are at least 32

inches, except on the historic buildings. The doors are open if the building is open to the public. The grandstand has a ground level area for wheelchairs for events.

Restrooms

A new men's restroom was constructed in 2002 and is fully accessible. The women's restroom is accessible in an older building. However, there are no signs indicating the location of the accessible restroom.

PAVILION

The pavilion is located at Highway 2 East. The pavilion is enclosed with a viewing area and wooden bleachers. There is no sidewalk leading to the pavilion.

NURSE'S OFFICE - CLINIC

The facility is located at 105 South 2nd Street East in Malta. The County Nurse and Chemical Dependency offices are located at the facility.

Accessible Approach

There is a route of travel that does not require the use of stairs. The route is stable, firm and is at least 36 inches wide. There are curb cuts.

Parking

There is a small parking lot on the East side of the building, along with street parking. However, there are no designated handicapped parking spaces.

Entrances

The main entrance does not require the use of stairs. The building has a double door entrance. Both doors open to the inside. Because of the lack of space between the two doors, the second door would be more difficult to operate from a wheelchair. The main entrance door has 35 inches of clear opening. There is at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than ½ inch high. The door handle is 35 inches and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

The building has no alarm system.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. The public spaces have an accessible route. The route is 54 inches wide. The doors, into the public space, have 35-inch of clear opening. Of the five rooms, three rooms have at least 18 inches of clear wall space. The door handles are less than 48 inches high but cannot be operated with a closed fist. The rooms and spaces do provide adequate maneuvering space. The counter top is 42 inches high.

Rest Rooms

There is at least one rest room which is fully accessible. The doorway has 35 inches clear opening. The door handles are at 40 inches high and cannot be operated with a closed fist. The doors cannot be opened easily. The entry configuration provides adequate maneuvering spaces. There is a 60-inch wide path to the fixtures. There are no stalls. Grab bars are installed. The toilet seat is 19 inches high. The lavatory has adequate clear space in front. The faucet can be operated with a closed fist. There is no tactile signage identifying the rest rooms.

Amenities

There is no drinking fountain or public telephone within the building.

MUSEUM

The museum is located on Highway 2 East.

Accessible Approach

The route of travel does not require the use of stairs. The route of travel is stable, firm and at least 36 inches wide. There are curb cuts available.

Parking

There are designated handicapped parking spaces. The accessible space is the closest to the accessible entrance. The International Symbol does not have the fine posted.

Entrances

The main entrance is on ground level; hence, it does not require the use of stairs. The entrance door is 36 inches wide. There are at least 18 inches of clear wall space on the pull side of the door. The threshold level is less than 1/4 inch high. The door handle is 45 inches and can be opened with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

There are no alarms.

Access to Programs/Services

The accessible entrance provides a direct access to the main floor. Some of the displays are on the 2nd level. However, there is no elevator available. The doors into the public spaces have at least 32 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The doors can be operated without too much force. The door handles cannot be operated with a closed fist. The threshold level is less than 1/4 inch. The rooms and spaces on the first level provide adequate maneuvering space. However, there are insufficient signs designating rooms and spaces.

Stairs

The treads have a non-slip surface. There are no extensions on the hand railings beyond the top and bottom of the stairs.

Rest Rooms

At least one rest room is fully accessible. The doorway is at least 32 inches. The doors are equipped with accessible handles. The doors can be opened easily. The entry configuration provides adequate maneuvering spaces. There is at least 36 inch wide path to all fixtures. There are no stalls. Grab bars are installed. The toilet seat is 18" high. The lavatory has adequate clear space in front. The faucets can be operated with a closed fist. The soap dispensers, hand dryers and mirror are mounted at the proper height.

Amenities

There is no drinking fountain or public telephone within the building.

FOOD BANK

The Food Bank is located at 133½ South 1st Street West.

Accessible Approach

The route of travel does not require the use of stairs. The route is stable, firm and at least 36 inches wide. There are curb cuts available.

Parking

There is no designated handicapped parking space.

Entrances:

The route of travel does require the use of stairs. There are no ramps into the facility. The entrance door has 40 inches clear opening. There is 24 inches of clear wall space on the pull side of the door. The threshold is 1 inch high. The door handle is 40 inches high and can be operated with a closed fist. The door closer takes at least three seconds to close.

Emergency Egress

No emergency egress system.

Access to Programs/Services

The door into the public space has 31 inches of clear opening. The pull side of the door, next to the handle, has at least 18 inches of clear wall space. The door can be opened without too much force. The door handle is at 36 inches and can be operated with a closed fist. The threshold level is less than 1/4 inch. There is adequate maneuvering space in the rooms, or the furniture can be rearranged to clear more room. The counter tops are 29 inches high.

Stairs

The stairs are stable, firm and at least 36 inches wide. The stairs have a non-slip surface. There are hand railings on one side.

Rest Rooms

There is only one restroom and it is not accessible. The doorway has 28 inches clearing. The door handles are accessible and can be opened with a closed fist. The door can be easily opened. The entry configuration provides for adequate maneuvering space. There is 36 inch wide path to all the fixtures. There are no stalls. There are no grab bars. The toilet seat is at 15-1/2 inches. The lavatory has adequate clear space in front. The lavatory rim is no higher than 34 inches. The faucet cannot be operated with a closed fist. The soap and hand dryers are within reach ranges. However, the mirror is mounted at 49 inches high.

Amenities

There is no drinking fountain or public telephone.

POSSIBLE SOLUTIONS

COURTHOUSE

Parking - The International Symbol of Accessibility signs should have the fee posted. (Cost \$100)

Entrances - Install signs at the inaccessible entrances indicating the location of the accessible entrance. (Cost \$100)

Program/Services - Access to other floors continues to be problematic. An intercom or phone system could be installed at the entrance to allow individuals to contact anyone on the other floors. Services can then be brought to individuals. Space should be available so meetings could be conducted on the first floor. (Cost \$250). Ideally, an elevator should be installed. The only viable option would be an exterior elevator. (Cost \$300,000 to \$500,000). The offices utilize a vault, which is only 30" in width and cannot be structurally modified. Several of the offices have counters higher than 32 inches. An auxiliary table should be provided.

Egress - When updating the emergency egress system, the system should be updated to accommodate flashing lights and sirens. (Cost \$5,000)

Rest Rooms - The doorways into the restroom cannot be structurally modified. An alternative is to construct one unisex restroom on one of the floors, preferably in the basement, and install signs indicating the location of the accessible restroom. (Cost \$5,000). If missing, grab bars should be installed in all restrooms (Cost \$100 each).

SHERIFF'S OFFICE AND JAIL

Emergency Egress - When updating the emergency egress system, the system should be updated to accommodate both flashing lights and audible alarms. (Cost \$5,000)

Access to Programs - The proper signage should be installed (Cost \$500).

Restrooms - Signs should be installed indicating the location of the accessible restroom (Cost \$100). Install grab bars. (Cost \$75 each restroom) Lower the soap dispenser, hand dryers and mirror.

LIBRARY

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - The non accessible entrance (back door) should have a sign indicating the accessible door (Cost \$100). When the door handle is replaced, a hoop handle should be installed.

Access to Programs - The Extension Service and PhillCo are willing to meet with handicapped individuals at different locations. This service should be publicized. Proper signs should be installed indicating the location of exits, restrooms and offices. (Cost \$500). When replacing the faucet or handles, paddle type handles should be installed. Add a raised seat for the toilet. (Cost \$100). Lower the soap dispenser, hand dryer and mirror.

COUNTY SHOP

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - A ramp over the thresholds at the Saco and Dodson shops should be installed (Cost \$100 each). When the door handles are replaced, the loop or lever handles should be installed.

Rest rooms - Grab bars should be installed at the Saco and Dodson shops. (Cost \$75 each).

FAIRGROUNDS

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Restrooms - Signs should be installed indicating the location of the accessible restrooms.

NURSING OFFICE - CLINIC

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Access to Programs - an auxiliary table should be provided (Cost \$20). When the door handles are replaced, looped or levered handles should be installed.

Bathrooms - When the door handles are replaced, looped or levered handles should be installed. The proper signage should be installed. (Cost \$100)

MUSEUM

Parking - The existing international signs should have the fee posted (Cost \$100).

Access to Services - The proper signs should be installed (Cost \$200).

FOOD BANK

Parking - An accessible handicapped parking space should be designated and the proper signs posted. (Cost \$100)

Entrances - Since the facility requires the use of stairs, perhaps a buzzer can be installed to indicate assistance.

Bathrooms - The doorway into the restrooms should be widened. Grab bars should be installed (\$100). When replacing the faucet handles, the paddle type should be used.

EXHIBIT 5-T

National and State Contacts for ADA Information and Assistance

V = voice telephone T = text telephone

ABLEDATA. 8630 Fenton Street, Suite 930, Silver Spring, MD 20910; Phone: 800-227-0216 (V); 301-608-8912 (T); Provides information on assistive technology. Website: <http://www.abledata.com>

Access Board. Architectural and Transportation Barriers Compliance Board, 1331 F St. NW, Suite 1000, Wash., DC 20004; 800-872-2253 (V), 800-993-2822 (T), 202-272-0080 (V) or 202-272-0082 (T) [You can also fax questions to 202-272-0081; include your phone number and they'll call you back.] Website: <http://www.access-board.gov>

ADA Regional Assistance Center- Rocky Mountain ADA Center. 3630 Sinton Road, Suite 103, Colorado Springs, CO 80907. 1-800-949-4232 Website: <http://www.adainformation.org/>

AgrAbility Project. USDA sponsored project to assist handicapped farmers and ranchers. National: <http://www.agrabilityproject.org/> and http://www.csrees.usda.gov/nea/ag_systems/in_focus/workforce_if_agrability.html
AgrAbility Project at Montana State University Extension Service, <http://extn.msu.montana.edu/>, 220 Roberts Hall, Bozeman MT 59717, 800-523-4342 (V).

Disability Rights Montana, formerly Montana Advocacy Program. 1022 Chestnut Street, Helena, Montana 59601. Voice/TDD (406) 449-2344. Toll-free (800) 245-4743. Website: <http://www.mtadv.org> E-mail: advocate@disabilityrightsmt.org

Equal Employment Opportunity Commission. 1801 L St. NW, Washington, DC 20507; 202-663-4900 (V), 202-663-4494 (T); or regional offices at 800-669-4000 (V) or 800-669-0082 (T). Website: <http://www.eeoc.gov>

Job Accommodation Network. P.O. Box 6080, Morgantown, WV 26506; 800-526-7234 (V/T). Website: <http://jan.wvu.edu>

Living Independently for Today and Tomorrow (LIFTT). 3333 2nd Avenue North, Suite 101, Billings, MT 59102; 800-669-6319 (In Billings, 259-5181); Serves Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties. Website: <http://www.lifft.org/>

Montana Human Rights Bureau. 1625 11th Avenue, P.O. Box 1728, Helena, MT 59624-1728; 406-444-2884 (V); 1-800-542-0807 (V), 406-444-0532 (T). Website: <http://erd.dli.mt.gov/humanright/hrhome.asp>

Montana Independent Living Project (MILP). 1820 11th Avenue, Helena, MT 59601; 800-735-6457 (In Helena, 442-5755) Serves Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson. Lewis & Clark, Madison, Meagher, Park, Powell, Silver

Bow, Sweet Grass and Wheatland counties and Yellowstone National Park. Website: <http://www.milp.us/> and <http://www.milp.us/links/independentliving.html>

National Rehabilitation Information Center (NARIC). 8201 Corporate Drive, Suite 600, Landover, MD 20785 800-346-2742 (V); 301-459-5900 (V); 301-459-5984 (T); 800-346-2742 (V/T). Website: <http://www.naric.com>

North Central Independent Living Services (NCILS). 1120 25th Avenue NE Black Eagle MT 59414; (406) 452-9834 voice/TTY; (800) 823-6245 (toll-free); (406) 453-3940 fax;. Website: <http://www.dphhs.mt.gov/dsd/independentlivingservices/index.shtml> E-mail address: ncils.osborn@sofast.net (In Great Falls, 452-9834); Serves Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley counties.

Office of the Americans With Disabilities Act (ADA). Civil Rights Division, Disability Rights Section, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530; ADA Information Line **800-514-0301. (voice) 800-514-0383 (TTY).** Website <http://www.ada.gov/>

Parents, Let's Unite for Kids (PLUK). 516 N 32nd St, Billings MT 59101-6003. 800-222-7585; 406-255-0540 (V/T); Serves the state. Website: <http://www.pluk.org> E-mail: plukinfo@pluk.org PLUK is a private, nonprofit organization formed in 1984 by parents of children with disabilities and chronic illnesses in the state of Montana for the purpose of information, support, training and assistance to aid their children at home, school and as adults. PLUK is an organization of parents and other caring individuals who serve families and individuals with disabilities of any age and at no cost.

Rural Institute on Disabilities, University of Montana. 52 Corbin Hall, Missoula, MT 59812, 406/243-5467 (V/T), 1-800-732-0323 (V). Website: <http://ruralinstitute.umt.edu/>

SUMMIT Independent Living Center. 700 SW Higgins, Suite 101 Missoula, MT 59803; 800-398-9002 (In Missoula, 728-1630); Serves Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders counties. Website: <http://www.summitilc.org/contact.html>

Also see: **Return to Work** <http://rmtd.mt.gov/aboutus/returntowork.asp>, Risk Management & Tort Defense Division, State of Montana.

**Exhibit 5-U
Civil Rights Responsibilities Checklist**

| CIVIL RIGHTS RESPONSIBILITIES CHECKLIST | |
|--|---|
| Dates(s) | 1. <u>Civil Right requirements at project start-up (before CDBG approval of first draw)</u> |
| | Set up a CDBG Civil Rights file (Chapter 1, pages 1-17, 1-19). |
| | 1a. Adopt a Fair Housing Resolution (Exhibit 5-M). Send a copy to CDBG. 1b. Display fair housing posters (Exhibit 5-N). 1c. Start actions to affirmatively further fair housing (pages 5-2, 5-14, 5-20, 5-21 and following). |
| | 1d. Adopt Nondiscrimination (Equal Employment Opportunity/EEO) Policy Resolution (Exhibit 5-A). Send a copy to CDBG. 1e. Implement EEO policies. |
| | 1f. Adopt ADA and Section 504 Complaint Resolution Procedures (Exhibit 5-R). Send a copy to CDBG. 1g. Designate an ADA/Section 504 compliance coordinator. |
| | 1h. Conduct an ADA Self-Evaluation Inventory (pages 5-3, 5-24 and following). Send a copy to CDBG. 1i. Prepare an ADA Transition Plan for Handicapped Accessibility to Public Facilities (Exhibit 5-S). Send a copy to CDBG |
| | 1j. Adopt a Hatch Act Resolution (Exhibit 5-Q). Send a copy to CDBG. |
| Date(s): | 2. <u>Civil rights responsibilities after project start-up</u> |
| | 2a. Maintain (in the project's Civil Rights file) documentation/records of project activities related to progress concerning on-going implementation of and follow-through on each of the responsibilities 1.a through 1.j (as listed above and explained in Chapter 5). See pages 5-32 and following regarding record-keeping requirements. |
| | 2b. Publish Exhibit 5-B (sample <i>Section 3 Public Notice: Economic Opportunities for Low-Income and Very Low-Income Persons</i>) or its equivalent. See 5-10 and following. |
| | 2c. Place the required appropriate contract language regarding civil rights in bid documents and in all contracts. See Chapter 3, <u>Procurement</u> and Exhibit 3-F. |
| | 2d. Take all civil rights protection action necessary (and keep records of actions taken) during the entire course of your project -- to ensure that no one is discriminated against in receiving services and benefits from the CDBG project, especially persons in the protected groups (page 5-4). |
| | 2e. If your project includes <u>direct benefits</u> to LMI individuals/households (rather than <u>area-wide</u> benefits): Gather and record the information that shows how your project meets requirements that are applicable to those CDBG projects with direct benefits to individuals: Keep records of direct beneficiaries by using Exhibit 5-D and Exhibit 5-E. |
| | 2f. Complete Exhibit 5-J, <u>Contract Reporting Form</u>, at the time that each contract and subcontract exceeding \$10,000 is awarded (including contractors and subcontractors that are not minority owned). |
| | 2g. Assure contractor affirmative action responsibilities concerning contracting with Disadvantaged Business Enterprises (pages 5-10 and 5-16 and following). |