

# TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

## NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS (24 CFR Part 1)

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development.

### Specific Discriminatory Actions

A recipient under any program or activity may not directly, or through contractual or other arrangements, on the ground or race, color, or national origin:

1. Deny a person any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;
2. Provide any housing, accommodations, facilities, services, financial aid or other benefits to a person which are different, or are provided in a different manner, from those provided to others under the program or activity;
3. Subject a person to segregation or separate treatment in any matter related to his/her receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;
4. Restrict a person in any way in access to such housing, accommodations, facilities, services, financial aid, or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;
5. Treat a person differently from others in determining whether he/she satisfies any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which persons must meet in order to be provided housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;
6. Deny a person opportunity to participate in the program or activity through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others under the program or activity;
7. Deny a person the opportunity to participate as a member of a planning or advisory body which is an intended part of the program.

In determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under the program or activity, or the class of persons to whom, or

the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of person to be afforded an opportunity to participate in any such program or activity, may not, directly or through contractual or other arrangements, utilize criteria or methods or administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin.

# **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

## **NONDISCRIMINATION ON THE BASIS OF AGE IN HUD PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE (24 CFR PART 146)**

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

### **General Rule**

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

### **Specific Rule**

A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contracting, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of:

1. Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
2. Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

### **Exceptions for normal operation of statutory objective of any program or activity.**

A recipient is permitted to take an action otherwise prohibited by the above rules if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

1. Age is used as a measure or approximation of one or more other characteristics; and
2. The other characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and
3. The other characteristics can be reasonably measured or approximated by the use of age; and
4. The other characteristics are impractical to measure directly on an individual basis.

### **Exceptions for reasonable factors other than age.**

A recipient is permitted to take action otherwise prohibited by the rules above if the action is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity of the achievement of a statutory objective.

### **"Normal Operation"**

For the purpose of the above rules, "normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its "statutory objectives".

### **"Statutory Objectives"**

"Statutory objectives" means any purpose of a program or activity expressly stated in any Federal, State, or local statute adopted by an elected, general purpose legislative body.

### **Elderly or Children Exceptions**

Notwithstanding the rules applicable to exceptions for normal operation of statutory objective of any program or activity, if a recipient operating a program provides special benefits to the elderly or to children, such use of age distinctions shall be presumed to be necessary to the normal operation of the program.

## **STATE OF ALASKA SENIOR HOUSEHOLD DEFINITION**

The State of Alaska defines a "senior household" as a household that consists exclusively of:

1. Two or more individuals that are related to each other at least one of whom is 60 years of age or older;
2. The surviving spouse of an individual who (a) was at least 60 years of age or older at the time of his or her death and (b) was living in the senior housing unit with the surviving spouse at the time of his or her death;
3. An individual who is 60 years of age or older;
4. An individual or individuals described in (1), (2), or (3) above and others, regardless of their ages, who are essential to the care or well being of the individual or individuals.

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EQUAL EMPLOYMENT OPPORTUNITY (41 CFR CHAPTER 60), EXECUTIVE ORDER 11246

All construction contracts must include the following clause:

During the performance of this contract, the Contractor agrees as follows:

- a. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or handicap.
- b. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, or handicap. Such action shall include but not be limited to (1) employment (2) upgrading, (3) demotion, (4) transfer, (5) recruitment or recruitment advertising, (6) layoff or termination, (7) rates of pay or other forms of compensation, and (8) selection for training, including apprenticeship.
- c. The Contractor shall post in conspicuous places available to employees and applicants for employment the notices to be provided by the Contracting Officer that explain this clause.
- d. The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or handicap.
- e. The Contractor shall send, to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, the notice to be provided by the Contracting Officer advising the labor union or workers representative of the Contractor's commitment under this clause, and post copies of the notice in conspicuous places available to employees and applicants for employment.
- f. The Contractor shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor.
- g. The Contractor shall furnish all information and reports required by Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto. The Contractor shall permit access to its books, records, and accounts by the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- h. In the event of a determination that the Contractor is not in compliance with this

clause or any rule, regulation, or order of the Secretary of Labor, this contract may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts, or Federally assisted construction contracts under the procedures authorized in Executive Order 11246, as amended. In addition, sanctions may be imposed and remedies invoked against the Contractor as provided in Executive Order 11246, as amended, the rules, regulations, and orders of the Secretary of Labor, or as otherwise provided by law.

- i. The contractor shall include the terms and conditions of this clause in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon each subcontractor or vendor. The Contractor shall take such action with respect to any subcontract or purchase order as the action with respect to any subcontract or purchase order as the Secretary of Housing and Urban Development or the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that if the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.