

**OKLAHOMA HOUSING FINANCE AGENCY
HOME DEPARTMENT**

Chapter 16	
	Reference: 24 CFR, Part 92 Subpart H
Subject: Other Federal Requirements	

General Requirements

Compliance with all federal requirements as detailed in 24 CFR, Part 92 Subpart H and other applicable laws and executive orders shall be maintained.

Procedures

Procedures to comply with the regulations and laws listed below shall be accomplished:

- { *Equal Opportunity*: **No** person 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 HOME funds.

- { *Fair Housing Act* - Prohibits discrimination in the sale or rent of units in the private housing market against any person on the basis of race, color, religion, sex, national origin, familial status or handicap (24 CFR Part 100-115) Executive Order 11063 as amended by Executive Order 12259.

- { *Title VI of the Civil Rights Act of 1964, As Amended*: **No** person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin. Regulations may be found in 24 CFR, Part 1.

- { *Age Discrimination Act of 1975*: Prohibits age discrimination in programs receiving federal financial assistance. Its implementing regulations may be found in 24 CFR, Part 146.

- { *Section 504*: **No** handicapped individual shall solely by reason of his/her handicap be excluded from the participation in, be denied the benefits of, or be discriminated against under any

Notes

program or activity receiving federal financial assistance.

- ⇒ For *New Construction* in multifamily rental properties, 5% of the units in the project must be accessible to individuals with mobility impairments and an additional 2% must be accessible to individuals with sensory impairments.
- ⇒ *Substantial Rehabilitation* as defined by Section 504 includes construction in a project with 15 or more units for which the rehabilitation costs will equal at least 75% of the replacement cost. In this definition of substantial rehabilitation, 5% of the units must be accessible to individuals with mobility impairments and an additional 2% must be accessible to individuals with sensory impairments.
- ⇒ Rehabilitation of less than a substantial nature (as defined above) requires that every alteration to every unit to the maximum extent feasible be made until 5% of the units are fully accessible to people with mobility impairments.

{ *Executive Order 11246*: Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin. Provisions to effectuate this prohibition must be included in all construction contracts exceeding \$10,000. Implementing regulations may be found at 41 CFR, Part 60.

{ *Section 3 of the Housing and Urban Development Act of 1968*:

- ⇒ That to the greatest extent feasible, opportunities for training and employment are provided to low-income persons in the project area.
- ⇒ Those contracts for work in connection with the project are awarded to business concerns located in or owned in substantial part by residents of the project area.
- ⇒ That, consistent with HUD's

responsibilities under Executive Orders 11625 and 12432 (concerning Minority Business Enterprise) and Executive Order 12138 (concerning Women's Business Enterprise), efforts must be made to encourage the use of minority and women's business enterprises.

- ⌋ *Affirmative Marketing:* When working with 5 or more units on rental or homebuyer projects, affirmative marketing procedures must be followed. Examples of affirmative marketing include the following:
 - ⌋ Inform the public, owners, and potential tenants about fair housing laws. Two examples would be: use of the fair housing logo in advertisement by local newspapers or distribution of fair housing brochures to all potential clients.
 - ⌋ Maintain documentation of actions taken to affirmatively market HOME-assisted units.
- ⌋ *Environmental Review:* The unit of local government must complete an Environmental Review for each project.
- ⌋ *Displacement, Relocation, and Acquisition:* HOME projects are subject to relocation requirements contained in the Uniform Relocation Act (URA). URA requirements are triggered whenever displacement occurs as a direct result of rehabilitation, demolition, or acquisition of a HOME assisted project.
- ⌋ *Labor Standards:*
 - ⌋ All projects with 12 or more HOME-assisted units must comply with the Davis-Bacon Act. Documentation that must be maintained includes the following:
 - Copy of Wage Rate Request
 - Copy of Wage Rate, along with any additional classifications
 - Bid/Contract Documents with Labor Standards provisions included
 - Awardee eligibility verification
 - Ten-day call verification
 - Pre-construction conference minutes/sign-in sheet

Payrolls, with evidence of their review
Notice of Proceed Construction
Employee interviews
Evidence of violations and steps taken to resolve
Final Wage Compliance Reports
Monthly employment utilization reports, where applicable

{ Copeland “Anti-Kickback” Act (18 USC 874) which applies to all contracts covered by Davis-Bacon and provides that workers must be paid weekly with only permissible deductions allowed.

{ Contract Work Hours and Safety Standards Act (40 USC 327-330) which requires overtime compensation.

(*Lead-Based Paint:* All housing units assisted with HOME funds must comply with 24 CFR, Part 35, the regulations implementing the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992.

(*Conflict of Interest:* Conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of OHFA or awardee which are receiving HOME funds. Persons who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest, or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure and for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

(*Debarment and Suspension:* Prior to final award of a contract, construction firms and all consultants and contractors must certify that they are not on the federal or state list of ineligible contractors.

(*Flood Insurance*: Determine on all properties assisted with HOME funds whether or not they are in a floodplain and follow all regulations pertaining to flood insurance.

OHFA DOES NOT FUND IN FLOODPLAINS

Additional Resources:

- Creating Economic Opportunity
- Annual Performance Report – HOME Program
- Section 3 Summary Report