



CDBG-DR Fair Housing Policy

**NEW MEXICO HOME RECOVERY PROGRAM
DEPARTMENT OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**

This policy is effective as of 3/20/2026 and may be updated periodically to reflect program implementation and evolving guidance from the U.S. Department of Housing and Urban Development (HUD).

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I. PURPOSE AND SCOPE

Purpose: The State of New Mexico is committed to promoting equal housing opportunity and preventing discrimination in any housing-related activity, in full compliance with federal laws, state statutes, executive orders, and U.S. Department of Housing and Urban Development (HUD) guidelines.

As a recipient of federal funding under the Community Development Block Grant – Disaster Recovery (CDBG-DR) program, the State actively support Affirmatively Furthering Fair Housing (AFFH), as required by HUD regulations at 24 CFR § 5.150-5.180, committing to proactive steps to overcome segregation, promote inclusive communities, and eliminate barriers to housing choice.

Scope: This policy applies to all housing programs, services, construction, design, management, advertising, and employment activities engaged in by DHSEM and its contractors, vendors, partners, and subrecipients.



All New Mexico Community Development Block Grant for Disaster Recovery (CDBG-DR) Program operate in accordance with the Federal Fair Housing Law (the Fair Housing Amendments Act of 1988).

The State of New Mexico takes complaints seriously and will work to address complaints received swiftly, conscientiously, and fairly. Anyone who believes they have faced housing discrimination has several options to file a complaint:

Call 1-800-669-9777 (Toll Free), 1-800-927-9275 (TIY)

Visit www.hud.gov/fairhousing

Send a written complaint to U.S. Department of Housing and Urban Development

Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity

457 7th Street, SW

Washington, D.C. 20410

202-708-4252

Or



Attention: New Mexico Home Recovery Program, Housing Grievance

P.O. Box 27111

Santa Fe, New Mexico 87502

505-670-4662

II. BACKGROUND

The State's DHSEM will ensure that all programs and activities included in the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan will be conducted without bias or discrimination of protected classes: race, color, religion, sex (including gender identity and sexual orientation), familiar status, national origin, and disability. Projects and activities funded by CDBG-DR programs will not have an unjustified discriminatory effect on or failure to benefit minorities in proportion to their community needs.

III. POLICY STATEMENT

New Mexico's Department of Homeland Security and Emergency Management (DHSEM) Fair Housing policy is guided by the principles of Fair Housing Act Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.) and the New Mexico Human Rights Act of 2003 (N.M. Stat. Ann § 28-1-1 et seq.).

IV. DEFINITIONS

Term	Definition
Accessibility	Making dwelling units and/or public and common use areas of buildings and facilities able to be approached, entered, and used by individuals with disabilities. Additionally, the term includes facilitating the ability by all members of the public, including those who have disabilities or speak a language other than that used in the usual conduct of a government, to access information about public programs and activities easily without barrier or impediment.
Affirmative Fair Housing Marketing	Covered housing activities that typically include any project consisting of five (5) or more rental or sale housing units must establish a marketing strategy (plan) to ensure positive outreach to those who are least likely to know about and apply to the covered housing. The purpose is promoting a similar range of housing choices to buyers or tenants regardless of race, color, religion, sex, handicap, familial status, or national origin.



<p>Affirmatively Furthering Fair Housing (AFFH)</p>	<p>An obligation of jurisdictions receiving Federal entitlement funding which involves the act of taking meaningful actions, in addition to combating discrimination, that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities free from barriers that discriminate and restrict access to opportunity based on protected characteristics.</p>
<p>Analysis of Impediments (AI)</p>	<p>A review required from certain recipients of HUD entitlement funds of impediments or barriers ensure that HUD-funded programs are being administered in a manner that furthers fair housing for protected classes. The document analyzes housing conditions, demographic and socioeconomic data, public and private policies, practices, and procedures, existing discrimination complaints, and public comments received through citizen participation. The document serves as the jurisdiction’s basis for fair housing planning and planning the use of grant funding.</p>
<p>Applicant</p>	<p>Any person, household, or entity that applies for a CDBG-DR Program through for the purpose of receiving benefits from a CDBG-DR Program. An applicant who is a developer and whose application is approved for an award is considered a beneficiary.</p>
<p>Beneficiary</p>	<p>A beneficiary is the individual, household, or entity that is the final recipient of CDBG-DR/MIT funds as the target or applicant of a program to receive the services and benefits of the programs. A beneficiary can also include a developer in certain contexts, such as affordable rental housing programs, as well as the tenants of those properties as eligible Low and Moderate Income (LMI) households.</p>
<p>Contractor</p>	<p>A private company that produces goods and services for the public government agencies by means of a contract, subcontract, purchase order, agreement or other similar arrangement.</p>
<p>Discrimination Complaint</p>	<p>When an individual, group of individuals, or entity representing an individual or group reports to the State, as grantee, or HUD one or both of the following: 1. any possible discrimination under the Fair Housing Act (including housing that is privately owned and operated); and/or 2. any possible discrimination of civil rights violations in housing and community development programs, including those funded by HUD, such as CDBG-DR.</p>
<p>Dwelling</p>	<p>Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more household, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.</p>



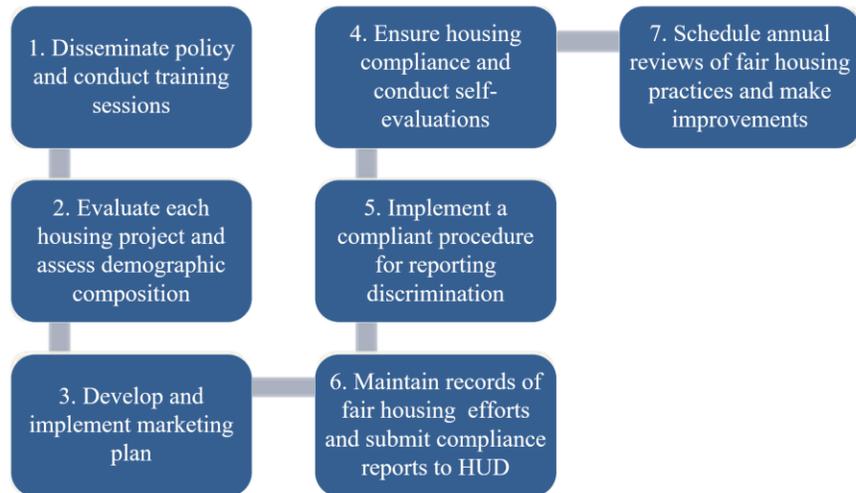
<p>Fair Housing Choice</p>	<p>Fair housing choice means individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses: (1) actual choice, which means the existence of realistic housing options; (2) protected choice, which means housing that can be accessed without discrimination; and (3) enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's needs as required under Federal civil rights law, including disability-related services that an individual needs to live in such housing.</p>
<p>Federal Compliance and Subrecipient Management Division (FCSM Division)</p>	<p>The FCSM Division is responsible for subrecipient management and establishing fair housing, civil rights, and labor standards policies for the CDBG-DR Programs. The Division provides technical assistance training to CDBG-DR staff, subrecipients, and contractors to educate and ensure compliance with these laws and policies. The FCSM Division is also responsible for managing the reporting processes that collect data and information from subrecipients, contractors, and housing developments that allow for the verification of all reports filed regarding possible discrimination under the Fair Housing Act will be referred to HUD.</p>
<p>Language Access Plan (LAP)</p>	<p>This recommended HUD plan explains how a HUD funding recipient will address Limited English Proficiency (LEP). The LAP indicates what language assistance services are appropriate within a recipient's jurisdiction. A recipient may develop a LAP to address identified needs of the limited English proficiency populations it serves.</p>
<p>Multi-Family Housing</p>	<p>A housing development consisting of five (5) or more dwelling units.</p>
<p>Protected Class</p>	<p>The groups provided legal protection from discrimination by the laws, statutes, and regulations cited in this Policy.</p>
<p>Reasonable Accommodation</p>	<p>A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to participate in any government-assisted program or activity.</p>
<p>Reasonable Modification</p>	<p>A structural change made to existing premises, occupied or to be occupied by a person with a disability who requests one, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural</p>



	changes to interiors and exteriors of dwellings and to common and public use areas.
Single-Family Housing	Housing consisting of four (4) or fewer dwelling units.
Subrecipient	Non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

V. PROCEDURES

Below is a general flowchart illustrating the Fair Housing process:





Below is a detailed, step-by-step process of the Fair Housing Policy:

Step	Process
1.0	Policy Dissemination and Training: Distribute the Fair Housing Policy to all stakeholders, including DHSEM staff, subrecipients, contractors, and community partners. Conduct mandatory training sessions to ensure all participants understand their obligations under federal and state fair housing laws, including Title VI of the Civil Rights Act, the Fair Housing Act, and the ADA.
2.0	Intake and Assessment: Evaluate each housing project to identify potential barriers to fair housing choice, emphasizing the needs of protected classes under federal and New Mexico law. Assess the demographic composition to ensure diverse and equitable project planning.
3.0	Affirmative Marketing Plan: Develop and implement affirmative marketing strategies, targeting protected class groups least likely to apply for programs, including those with Limited English Proficiency (LEP). Utilize diverse communication channels such as multilingual materials, community outreach, and partnerships with local organizations.
4.0	Accessibility Compliance: Ensure all newly constructed or substantially rehabilitated facilities adhere to Section 504, the ADA, and the New Mexico Building Code for accessibility. Conduct self-evaluations and audits to confirm program and facility accessibility, documenting compliance efforts.
5.0	Non-Discrimination Measures: Establish processes to prevent discrimination in all CDBG-DR funded activities. Implement a complaint procedure for reporting and addressing potential discrimination. Ensure visibility of complaint process information, both online and in physical locations.
6.0	Monitoring and Documentation: Maintain comprehensive records of fair housing efforts, including demographic data, outreach activities, and training logs. Submit regular compliance reports to HUD and the New Mexico Human Rights Bureau, detailing adherence to fair housing principles.
7.0	Evaluation and Continuous Improvement: Schedule annual reviews of fair housing practices and outcomes, incorporating feedback from community stakeholders and protected class members. Adjust policies and procedures as needed to enhance fairness, accessibility, and compliance, ensuring evolving community needs are met.
8.0	Partnership and Engagement: Collaborate with local advocacy groups, businesses, and government agencies to foster an inclusive approach to housing development and support. Facilitate community workshops to promote fair housing awareness and education among residents and stakeholders.



VI. SCOPE OF WORK AND EVALUATION CRITERIA

A. Policy Priorities

New Mexico's Department of Homeland Security and Emergency Management (DHSEM) will ensure all HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) investments adhere to the following policy priorities:

- Preserve and improve existing housing occupied by low- and moderate-income homeowners;
- Work to improve economic conditions of persons with disabilities;
- Proactively targeting multi-generational households, senior households and collaborate with trusted community stakeholders;
- Strengthen access to fair housing and knowledge of fair housing among residents;
- Facilitate access to additional funding; and
- Create more affordable, quality housing, which is equitably distributed throughout the HUD designated “most impacted and distressed” (MID) areas.

B. Accessibility and Accommodations

The State's DHSEM will ensure all new construction and rehabilitation projects comply with Architectural Barriers Act of 1968 (42 U.S.C. § 4151 et seq.) and ADA of 1990, providing accessible units, facilities, and communication as required.

The State will provide reasonable accommodations and modifications as outlined under Section 504 and the Fair Housing Act for persons with disabilities.

C. Affirmatively Furthering Fair Housing (AFFH)

As part of the State's commitment to equity and inclusion, DHSEM embraces its responsibility to Affirmatively Furthering Fair Housing (AFFH) by taking meaningful actions to promote fair housing choice for all. The Department of Homeland Security and Emergency Management (DHSEM) will work to address significant disparities in housing needs and access to opportunity, strive to replace segregated living patterns with truly integrated and balanced communities. Our efforts are focused on transforming racially and ethnically concentrated areas of poverty into areas of opportunity while ensuring our policies and practices fully comply with HUD's AFFH rule as outlined by 24 CFR § 5.150 et seq.

In an effort to coordinate with HUD's Consolidated Planning, New Mexico's DHSEM will undertake one or more activities to affirmatively further fair housing. Examples of activities include:

- Counseling services.



- Market the fair housing resolution.
- Education programs.
- Use of the HUD affirmative marketing plans.
- Affirmative marketing and outreach efforts that reduce barriers to the provision of services, if the plan includes a plan for amending public service delivery.

D. Advertising and Outreach

All advertising and public outreach shall reflect diversity and inclusion and follow HUD's Fair Housing Advertising guidelines (HUD Handbook 8025.1). DHSEM will not use language, images, or media that suggest preferences, limitations, or discrimination based on protected characteristics.

E. Employment and Contracting

The State's DHSEM will comply with Executive Order 11246, which prohibits discrimination in employment by federal contractors. In addition:

- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) requires us to direct employment, training and contracting opportunities to low- and very-low-income residents and businesses.
- Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. § 5309) prohibits discrimination in HUD-funded programs.
- Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities provided with federal assistance.

F. Accessibility and Section 504

The State's DHSEM must follow the requirements outlined below to be in compliance with accessibility requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Collectively, the accessibility laws and implementing regulations prohibit discrimination based on disability and establish requirements for physical accessibility in connection with federally funded housing and non-housing activities.

Section 504 provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation in (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance. Specifically, Section 504 imposes requirements related to:

- Program accessibility;
- Communications;
- Accessible design and construction for certain housing and non-housing activities;



- DHSEM self-evaluation of programs, services, and activities to ensure
- Programmatic and physical accessibility to persons with disabilities; and
- Nondiscrimination in employment.

1. Program Accessibility

Existing housing and non-housing programs administered by DHSEM and its funded entities (e.g., subrecipients, developers) must be accessible to persons with disabilities. Program accessibility means that a program, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. This means that persons with disabilities must: (1) have an equal opportunity to participate in and benefit from the program, and (2) be offered the same range of choices and amenities as those offered to persons that do not have disabilities. DHSEM will ensure that their programs and services are readily accessible to and usable by persons with disabilities to the maximum extent feasible. In other words, DHSEM must take steps to provide the necessary access to persons with disabilities, unless the actions would constitute an undue financial and administrative burden or require a fundamental alteration in the nature of the program.

Examples of steps to ensure program accessibility include:

- Conduct meetings and program-related marketing and other activities in accessible locations.
- House program in-take offices in accessible locations.
- Ensure program-related communications are accessible to persons with disabilities (see Communications section below for more detail).
- In housing activities, distribute accessible units throughout projects and sites, and make them available in a sufficient range of sizes and amenities so as not to limit choice. Make accessible units available to persons with disabilities first.
- Make reasonable accommodation to persons with disabilities.
 - A **reasonable accommodation** is a change, adaptation or modification to a policy, program, service, or workplace that allows a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job.

2. Communication and Accessibility

Communication is an important component of program accessibility. Persons with impairments to hearing, vision, speech, or mobility may have special communication needs. To the maximum extent feasible, DHSEM must provide program information in ways to ensure that persons with these types of disabilities are able to access and enjoy the benefits of any program or activity receiving CDBG-DR funds.

DHSEM must furnish auxiliary aids and services, as necessary, to ensure effective communication with persons with disabilities. These may include:



- For persons with hearing impairments:
 - Qualified sign language interpreters;
 - Note takers;
 - Telecommunication devices for deaf persons (TDDs);
 - Telephone handset amplifiers;
 - Assertive listening devices (devices that increase the sound in large group settings);
 - Flashing lights (where aural communication is used, such as warning bells);
 - Video text displays (devices that display text that is simultaneously being spoken can be used where a public address system provides information);
 - Transcription services; and
 - Closed and open captioning.
- For persons with vision impairments:
 - Websites that comply with Section 508;
 - Qualified readers;
 - Written materials translated into alternative formats (i.e., Braille, audio tape, large print);
 - Aural communication (Bells or other sounds used where visual cues are necessary); and
 - Audio description services (through a headset, a narrator describes what the visually impaired person cannot see).

DHSEM must ensure effective communication with persons with all types of disabilities in all activities, to the greatest extent feasible. Where DHSEM communicates with applicants and beneficiaries by phone, a TDD is required or an equally equivalent system must be available.

3. Accessibility in Housing and Non-Housing Activities

Certain housing and non-housing facilities that are constructed or rehabilitated with CDBG-DR funds must be designed and constructed to be accessible.

a. Housing Activities

Community Development Block Grant – Disaster Recovery (CDBG-DR)-funded housing is subject to the accessibility requirements of the Fair Housing Act, as amended. For housing purposes, an accessible dwelling unit is on an accessible route and has accessible features inside.

Under the Fair Housing Act:



- The accessibility standard is outlined in the Fair Housing Act. This standard is often referred to as “adaptable,” and is generally a less stringent standard of accessibility than Uniform Federal Accessibility Standards (UFAS).
- All newly constructed units in buildings with four or more units that are on the ground level or can be reached by an elevator must be made accessible.

b. Non-Housing Activities

All of Section 504's nondiscrimination, program accessibility, and reasonable accommodation requirements that apply to housing facilities and programs apply equally to the operation of non-housing facilities or programs.

- **Facility** is defined under Section 504 as any portion of a building, equipment, roads, walkways, parking lot or other real property.
- **Accessible** (for non-housing purposes) means that a facility or portion of a facility can be approached, entered, and used by individuals with physical handicaps.

Non-housing programs as well as existing facilities in which they are situated must be readily accessible to and usable by persons with disabilities, in accordance with the UFAS standard. In order to make its facilities accessible, DHSEM may need to:

- Relocate programs to accessible facilities or accessible portions of facilities;
- Acquire or build new facilities that are accessible; or
- Selectively alter facilities to make them accessible to persons with mobility or sensory impairments.

State and local governments are also subject to Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against persons with disabilities. Title II requires that facilities that are newly constructed or altered by, on behalf of, or for use of a public entity, be designed and constructed in a manner that makes the facility readily accessible to and useable by persons with disabilities. Title II also requires accessibility of newly constructed or altered streets, roads, highways, and pedestrian walkways.

4. Marketing Procedures

All projects under DHSEM will follow affirmative marketing procedures for outreach to protected class groups least likely to apply to grantee or grantee related housing projects. Additionally, materials will be provided in other languages, such as Spanish, to accommodate Limited English Proficiency (LEP) persons. Examples of targeted processes and strategies for LEP households and individuals living with disabilities are included below:

- Providing direct support from DHSEM's Disaster Case Management Program
- Application assistance to local, state and federal programs;



- Legal services;
- Language translation and interpretation services;
- Managing and curating an up-to-date list of licensed, bonded and insured construction contractors.

5. Section 504 Self-Evaluation

Applicants must submit an evaluation of the proposed housing project area’s demography, socio-economic characteristics, environmental hazards or concerns, and other factors material to the AFFH determination. Applications shall show that housing-related projects are likely to lessen racial, ethnic, and low-income concentrations, and/or promote affordable housing in low- poverty, non-minority areas in response to natural hazard-related impacts.

If DHSEM has not already performed a Section 504 self-evaluation assessment of programs, services, and activities to determine if they are programmatically and physically accessible to people with disabilities, they must conduct such evaluation and document all needs. If DHSEM has already performed a self-evaluation, a new one is not required, unless facilities have been altered.

A self-evaluation guide is provided in *Appendix A*.

While performing the self-evaluation, DHSEM should conduct a careful inspection of the following to determine if they are free from discriminatory effects and practices:

- Employment and personnel policies and practices;
- Programs and activities;
- Benefits and service delivery; and
- Contractual agreements.

The self-evaluation must be submitted before an agreement can be executed.

In the course of the self-evaluation, if DHSEM identifies any policies and practices that are found to be discriminatory or contrary to Section 504 requirements, it must take steps to remedy the discrimination.

VII. ROLES AND RESPONSIBILITIES

Stakeholder	Roles & Responsibilities
Department of Homeland Security and Emergency	<ul style="list-style-type: none">• Policy Administration: DHSEM oversees the implementation of the Fair Housing Policy across all CDBG-DR programs, ensuring alignment with federal and state laws.



<p>Management (DHSEM)</p>	<ul style="list-style-type: none"> • Training and Technical Assistance: Provides mandatory training sessions and technical assistance to subrecipients, contractors, and community partners to ensure comprehension and adherence to fair housing standards. • Monitoring and Evaluation: Conducts regular compliance reviews and evaluations to gauge adherence to fair housing practices and document successes and required improvements. • Resource Provision: Develops and disseminates resources such as posters, FAQs, and online materials to support local outreach and education.
<p>Subrecipients</p>	<ul style="list-style-type: none"> • Project Execution: Implement CDBG-DR funded projects in compliance with fair housing laws, ensuring nondiscriminatory practices throughout planning, development, and delivery. • Documentation and Recordkeeping: Maintain thorough records that demonstrate compliance with fair housing regulations, including demographic data, outreach activities, and complaint logs. • Self-Evaluation: Conduct Section 504 self-evaluation assessments to ensure programmatic and physical accessibility to individuals with disabilities. • Community Engagement: Collaborate with local organizations to conduct affirmative marketing and outreach to protect class groups, and ensure meaningful engagement with underserved communities.
<p>Contractors</p>	<ul style="list-style-type: none"> • Service Provision: Deliver goods and services to support CDBG-DR projects, while adhering to fair housing principles and nondiscrimination mandates. • Compliance Assurance: Sign assurances of compliance and complete self-evaluations to verify adherence to fair housing requirements and accessibility standards.
<p>Federal Compliance and Subrecipient Management (FCSM) Division</p>	<ul style="list-style-type: none"> • Oversight and Management: Manage subrecipient engagements and establish fair housing, civil rights, and labor standards policies within CDBG-DR programs. • Reporting Processes: Coordinate reporting mechanisms that collect data and information from subrecipients and contractors to verify compliance and refer cases of potential discrimination to HUD.
<p>Community Stakeholders and</p>	<ul style="list-style-type: none"> • Collaborative Engagement: Work with DHSEM and subrecipients to facilitate community workshops, promote fair housing awareness, and support outreach efforts in diverse communities.



Local Advocacy Groups	<ul style="list-style-type: none">• Feedback and Evaluation: Provide feedback on fair housing practices and outcomes to help guide continuous policy improvement and address community-specific needs.
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VIII. COMPLIANCE & ENFORCEMENT

A. Monitoring

The designated fair housing and equal opportunity coordinator and/or officers should review compliance requirements on an annual basis. DHSEM will be monitored on a periodic basis. Proper notification of a monitoring visit will be provided, however; it is important for DHSEM to keep all records and files in “monitoring readiness” condition at all times. Some of the monitoring team will review to determine if DHSEM meet compliance with all fair housing and equal opportunity requirements and laws are listed below:

- A check of the availability and adequacy of employment records;
- Identification of programs and activities assisted through CDBG-DR funding and assessment of program impact on protected groups;
- An examination of procurement procedures and awards to assess the utilization of minority and/or female owned enterprises and businesses located in the project area or owned in substantial part by project area residents;
- A review of voluntary efforts to promote fair housing; and
- An examination of the extent to which various protected groups have been impacted by relocation activities.

B. HUD FHEO Compliance and Monitoring

HUD’s Office of Fair Housing and Equal Opportunity (FHEO) is responsible for seeking cooperation from and providing assistance to recipients regarding compliance. FHEO may perform periodic reviews of DHSEM or require reports or other information to measure compliance including records of program participation by individuals with handicaps.

It is important for DHSEM to keep organized records and document their Section 504 activities.

A complaint can be made by any individual or authorized representative of that individual who believes they have been denied opportunities or treated differently, due to their race, ethnicity, gender, disability, or age.

This complaint would be filed with FHEO under the Housing Discrimination Form 903.1 (<https://www.hud.gov/contactus/file-complaint>). The complainant’s identity will be held in confidence unless written authorization is given. The time period for filing complaints is within 180 days of the alleged act. DHSEM should have copies of this form available to the public.



A person who believes his/her rights have been violated may file in federal court. The remedy through court action may include the award of damages, back pay, seniority and as with any equal opportunity action, attorney fees, or injunction against the noncomplying project.

It is HUD's policy to encourage informal resolutions to matters, solicit voluntary compliance and corrective action. Noncompliance may result ultimately in the termination of or refusal to grant federal assistance.

IX. CONFLICTS OF INTEREST AND MODIFICATIONS

To maintain the highest standards of integrity, all stakeholders, including DHSEM staff, subrecipients, contractors, and partners, must adhere to strict conflict of interest guidelines and the Conflict of Interest Policy.

Individuals involved in the decision-making or procurement processes must disclose any personal or financial interests that might influence their objectivity in fulfilling fair housing objectives. This requirement is crucial to ensuring that all actions taken under the Fair Housing Policy are impartial and align with the principles of fairness and equity. Regular training will reinforce these standards and help identify and address potential conflicts proactively.

The Fair Housing Policy is subject to continuous evaluation and refinement to adapt to changing legal requirements and community needs. Annual reviews, based on comprehensive feedback from stakeholders and affected communities, facilitate necessary modifications to enhance policy effectiveness. Modifications are implemented in a structured manner, ensuring alignment with both federal mandates and local objectives. All changes are documented, disseminated across all levels of involvement, and incorporated into subsequent training sessions, preserving the policy's integrity and responsiveness to emerging challenges.

X. DOCUMENTATION & RECORDKEEPING

The State's DHSEM shall retain documentation related to fair housing compliance for a minimum of five (5) years or as otherwise required by funding agencies. These records include complaints, accommodation requests, AFFH actions, and outreach efforts.

Compliance with Federal and state laws is the responsibility of DHSEM (and any subrecipients, if applicable). The State is required to monitor Subrecipients for compliance with fair housing and equal opportunity laws and requirements. This monitoring is facilitated when records documenting compliance are maintained appropriately by recipients.

The State requires that the records demonstrating compliance with these requirements be kept on a current basis. Records must be maintained for five years following final close-out of the grant.



A. Fair Housing Records

The following records must be maintained by DHSEM in a separate equal opportunity and fair housing file:

- Documentation of policies, procedures and practices that ensure non-discrimination of all protected classes and comply with any applicable laws, regulations, policy guidance or other requirements.
- Documentation of the action(s) the recipient has taken to affirmatively further fair housing, including records on funds provided, if any, for such actions.
- Demographic data (actual survey or latest census data) depending on the project undertaken may include:
 - The population of the jurisdiction of the unit of general local government receiving CDBG-DR funds;
 - The minority population of the locality (number and percentage);
 - The target area population;
 - The minority population of the target area (number and percentage);
 - The number of disabled, elderly households, and female-headed households in the target area; and
 - A map of the locality showing the locations of assisted housing units, concentrations of minority population, concentrations of low and moderate income, and the target area.

B. Direct Benefit Records

As part of the CDBG-DR application, DHSEM is required to submit statistical information on the persons benefiting from the project. It is important that this information be maintained and updated throughout the implementation of the project. Even if the project activities meet the “presumptive benefit” test for proving LMI benefits and surveys have not been conducted or statistical data on beneficiaries has not been collected, benefit data for fair housing and equal opportunity purposes must be maintained.

Data must be collected and retained on beneficiaries. This information is necessary both in proving compliance with fair housing and equal opportunity laws and in meeting closeout requirements when the project is completed. The Project Benefit Profile will assist DHSEM in maintaining specific data on project beneficiaries. DHSEM may choose to conduct local surveys or use census data for documentation. These forms are to be maintained throughout the length of the project and updated as significant progress is made. In addition, documentation for each person benefiting must be included in the project files.

For direct benefit activities (i.e., housing and economic development job creation activities), DHSEM must also provide data on the extent to which persons have applied for benefits and



participated in or benefited from any program or activity funded in whole or in part with CDBG-DR funds. Records must be kept by race, ethnicity and gender of heads of households.

C. Employment Records

Data on employment of the local government that is carrying out an activity funded in whole or in part with CDBG-DR funds. The data to be maintained in the files includes:

- A description of the local government work force in percentage by race, gender, job title, and hire date.
- The percentage of minorities in the jurisdiction of the unit of general local government that is receiving CDBG-DR funds and the percentage of minorities working for that unit of general local government.
- The number of project area residents employed with CDBG-DR funds. Data should show the percentage by race and gender of the personnel in any department, office, or agency of the unit of local government using CDBG-DR funds to employ staff. For example, if CDBG-DR funds are being used to pay a portion of a bookkeeper's salary in the accounting department of the city, then employment data should be available for the department. Note this data is not required for any public or private entity performing services under contract to the unit of general local government; e.g., an Area Development District (ADD) or engineering firm that is administering a CDBG-DR project under a contract with a local government.
- Government hiring practices and policies.
- Affirmative Action Plan (if applicable).
- Documentation of the affirmative actions DHSEM has taken to overcome the effects of prior discrimination as determined through a formal compliance review or court proceeding, where the recipient has previously discriminated against persons on the grounds of race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity in administering a program or activity funded in whole or in part with CDBG -DR funds.

D. Section 504 Records

- A copy of the self-evaluation;
- A copy of the transition plan;
- A list of interested persons who were consulted;
- A description of areas and buildings examined and any problems identified;
- A description of modifications made, and remedial steps taken to comply with the regulations; and



- Evidence that new or substantial rehab multi-family projects were constructed/rehabilitated to meet 504 standards.

XI. REFERENCES

Executive Order, Federal and State Laws and Regulations	Description
Title VI of the Civil Rights Act of 1964 (<i>42 U.S.C. § 2000d</i>)	Prohibits discrimination based on race, color, or national origin.
Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)	Prohibits discrimination based on religion, sex, familial status, and disability.
Age Discrimination Act of 1975 (<i>42 U.S.C. § 6101 et seq.</i>)	Prohibits discrimination based on age.
Americans with Disabilities Act (ADA) of 1990 (<i>42 U.S.C. § 12101 et seq.</i>)	Prohibits discrimination based on disability.
Section 504 of the Rehabilitation Act of 1973 (<i>29 U.S.C. § 794</i>)	Specifies that no qualified individual shall, solely because of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal assistance.
Executive Order 11063, as amended by Executive Order 12259	Prohibits discrimination based on race, color, religion, sex, or national origin in the use, occupancy, sale, leasing, rental, or other disposition of residential properties and facilities.
Section 109 of Title I of the Housing and Community Development Act of 1974	Prohibits discrimination based on race, color, national origin, sex, or religion shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination under any activity funded in whole or part with CDBG funds.
New Mexico Human Rights Act of 2003 (<i>N.M. Stat. Ann. § 28-1-1</i>)	Prohibits discrimination against any of its define protected class.



<p>Section 3 of the Housing and Community Development Act of 1968</p>	<p>Requires that, to the greatest extent feasible, low- and very low-income persons who live in the metropolitan area of the CDBG project receive opportunities for employment, training and contracting to businesses that hire low- and very low-income (24 CFR 75).</p>
<p>Executive Order 11246, as amended by Executive Orders 11375 and 12086</p>	<p>Equal Opportunity Under HUD Contracts and HUD-Assisted Construction Contracts: This order requires that you your contractors, and their subcontractors, not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.</p>
<p>Architectural Barriers Act (ABA) of 1968</p>	<p>Requires that certain buildings financed with federal funds be designed, constructed, or altered to ensure accessibility for persons with physical disabilities. The ABA covers any building or facility receiving federal funds, except privately-owned residential structures. Any covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards.</p>

XII. APPENDIX

The appendix provides essential resources, including a Section 504 self-evaluation guide, detailed definitions, and checklists, to support entities in ensuring compliance with fair housing standards effectively.

Appendix A: Section 504 Self-Evaluation

GENERAL REQUIREMENTS

A self-evaluation must be prepared by the recipient in consultation with individuals with disabilities or organizations representing them.

Recipients with fifteen (15) or more employees must keep on file for at least three years:

- A list of interested persons consulted;
- A description of areas examined, and any problems identified; and
- A description of modifications made, and remedial steps taken.

ELEMENTS

- Evaluation of current policies and practices relative to the 504 regulations.
- Modification of any policies and practices that do not meet the 504 requirements.
- Corrective action to remedy any discrimination found.



AREAS TO BE EVALUATED (All areas listed below may not apply)

- Buildings or facilities for physical accessibility.
- Program outreach and communication.
- Eligibility and admission criteria and practice.
- Distribution and occupancy policy and practice.
- Percentage of accessible units.
- Employment (including pre-employment).
- Complaint processing procedures.



SELF-EVALUATION FOR COMPLIANCE WITH SECTION 504 FEDERALLY- CONDUCTED PROGRAMS

I. Introduction

The U.S. Department of Housing and Urban Development (HUD) evaluates its own activities for compliance with the 1978 amendments to Section 504, which extend coverage to any program or activity conducted by an Executive Agency. What follows is a self-evaluation tool that grantees, subrecipients and developers may use to determine their current level of compliance. It may also be used to identify areas of potential non-compliance that must be addressed.

A. Office/Program to be evaluated:

Name: _____

Address: _____

B. Individual completing evaluation:

Name: _____

Title: _____

Date: _____

C. Disabled individual(s) assisting in the completion of the self-evaluation:

Note: The person(s) assisting in the completion of the self-evaluation may be a person with an actual disability or a person affiliated with an agency that represents or is an advocate for persons with disabilities.

Name(s): _____

Title: _____



Organization: _____

Address: _____

II. Administrative Practices

A. Staff information:

List steps to be taken to ensure that all staff involved in any aspect of this program (e.g., recruitment, admission, testing, public information, the conduct of the program, the provision of any services or benefits, etc.) are informed periodically of, and understand fully, your policy of nondiscrimination on the basis of disability.

1. Do your organization's policies include a grievance procedure for persons with disabilities (employees and/or the general public)?

No Yes

Describe:

B. Contracts, agreements and subgrants (e.g., housing management agencies, hotels, subgrantees, educational institutions, public meeting facilities, computer services, printing services, etc.)

1. Are entities with which you hold contracts, agreements, and/or subgrants aware of your policy of nondiscrimination on the basis of disability?



No Yes

How?

If yes, attach a list of these entities, and the type(s) of service(s) performed, to this form.

2. Do you require these entities to sign an “assurance of compliance?” No Yes

3. Have these entities been required to complete a self-evaluation of the programs and activities they conduct for you?

No Yes

III. Recruitment, Advertisement and Public Information

A. Do you engage in any of the following kinds of activities to recruit program participants or otherwise inform persons about the services provided?

- | | | Yes | No |
|---|--------------------------|--------------------------|----|
| • Oral presentations/orientations | <input type="checkbox"/> | <input type="checkbox"/> | |
| • Printed recruitment materials | <input type="checkbox"/> | <input type="checkbox"/> | |
| • Printed informational materials | <input type="checkbox"/> | <input type="checkbox"/> | |
| • Advertisements (radio, newspaper, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | |

B. Do all materials and advertisements include a notice that you do not discriminate against persons with disabilities?

No Yes

C. Is the general public notified of the existence and location of services, activities and facilities that are accessible to persons with disabilities?

No Yes

How? _____



D. If “outside” persons or organizations are involved in your recruitment, advertisement or information efforts, are they informed of your nondiscrimination policy?

No Yes

How? _____

E. Do all public information materials “pass” the Printed Program Announcements Checklist (see Attachment 1)?

No Yes

If no, list steps which need to be taken to ensure that all materials are modified accordingly:

F. Are public information materials usable by persons with different kinds of disabilities? Are they being sent to or otherwise reaching persons with varying disabilities? In completing this section, use the Information Dissemination Checklist (see Attachment 2). List below the kinds of materials which are not accessible, the population they are not accessible to, and the steps needed to make them accessible.

Media Type	Target Population	Problem/Solution
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

G. Are articles on the accomplishments of participants with disabilities publicized in the agency’s publication?

No Yes



How? _____

H. Are organizations representing persons with disabilities contacted for advice, technical assistance and referrals?

No Yes

How? _____

IV. Program Accessibility

A. Are inquiries made regarding disability status in order to make accommodations for persons with disabilities?

No Yes

B. Is the information requested voluntarily, not used to affect any disabled person adversely, and kept confidential?

No Yes

1. Is there an orientation program for new participants? No Yes

C. Have steps been taken to ensure that persons with visual and hearing impairments can understand the information, communicate with the staff and use the written materials provided during the orientation?

No Yes

Describe:

1. Do you have a TDD (Telecommunications Device for the Deaf) installed? No Yes



If yes, what is the number? _____

Is the TDD number communicated to the public? No Yes
Is the TDD number included on all correspondence? No Yes

D. List the specific activities that comprise your program: (e.g., orientation, intake, classroom training, meetings to provide information on HUD programs to the public, such as meetings to accept bids, etc.):

_____	_____
_____	_____
_____	_____
_____	_____

E. For each activity listed above, list those that are, or have the potential to be, inaccessible to persons with disabilities:

Activity	Reason
_____	_____
_____	_____
_____	_____
_____	_____

F. Describe steps to be taken to attain accessibility of those activities identified in "G" above, e.g., provision of auxiliary aids, use of alternative materials, special tools or equipment, modification of equipment, renovation of facility, moving program to another facility, etc.

Activity	Reason
_____	_____
_____	_____
_____	_____
_____	_____

G. Has a method been implemented for soliciting voluntary indications of disability status and requests for accommodations, i.e., channels for a disabled person to bring his or her disability to the attention of management?

No Yes

Describe: _____



H. From the following list of possible reasonable accommodations, check those which you would be willing to make for disabled program participants:

- Modifying written materials
- Modifying meeting rooms
- Making facilities accessible
- Adjusting work schedule
- Providing assistive devices
- Providing readers and interpreters
- Adopting flexible policies
- Reassigning and retraining participants
- Eliminating transportation barriers
- Others, depending on the person’s particular disability

V. Facilities

A. List all facilities, or portions of facilities, used to conduct your program.

Facility	Address
_____	_____
_____	_____
_____	_____
_____	_____

B. The Architectural Barriers Act of 1968 U42 U.S.C. 3151-4157 covers buildings owned, leased, or financed in whole or in part by or on behalf of the Federal Government. This means that all of HUD’s Regional and Field Offices must comply with the Architectural Barrier Act. The applicable standard is the Uniform Federal Accessibility Standard (UFAS), (24 CFR Part 40). Buildings which are not HUD’s own buildings, but which are being contemplated for use for a public meeting or training, etc., must be fully accessible but would not necessarily have to conform to the UFAS. Therefore, use the following method when evaluating facilities:

1. Financed by HUD:

Do the survey on-site using the Site Accessibility Checklist (see Attachment 3). Complete the survey. If any single item on the checklist results in a “no” answer, **the facility will need to be further surveyed to see in the facility conforms to the UFAS.** Please contact DLG.



2. Facility planned for use (such as, for training, conferences, public meetings, etc.). Go on-site and complete the Site Accessibility Checklist (Attachment 3) and the Meeting Logistics Checklist (Attachment 4). Once the survey is completed, if there is any “no” answers, meet with the responsible official at the facility to determine if these deficiencies can be corrected. If yes, have the corrections made before using (contracting with) the facility? If no, the facility would then be unacceptable and an alternative facility would have to be identified, surveyed, and so forth until a satisfactory facility is found.

C. Identify the person or agency who will be responsible for developing and implementing a corrective action plan for the elimination of the barriers identified in “B” (1 and 2) above: (Note: For facilities described in B2, the responsible Official is the person negotiating use of the facility, and if the facility can’t or won’t correct deficiencies, this person is responsible for securing alternate, acceptable facilities.)

VI. Employment Practices

A. Recruitment Yes No N/A

1. Are disabled employees featured in promotional and recruitment advertising?

2. Are contacts maintained with educational institutions which train persons with disabilities?

3. Are organizations which represent persons with disabilities contacted for advice, technical assistance and referrals?

4. Does all recruitment literature indicate that the program does not discriminate on the basis of disability?

B. Job Vacancies Yes No N/A



1. Are all vacancy announcements reviewed to ensure that physical, mental, and communication requirements are job related and accurately reflect job functions?
2. Are managers willing to consider reasonable accommodations for the disabilities of otherwise qualified applicants?

Attachment 2

PRINTED PROGRAM ANNOUNCEMENTS CHECKLIST

Location

OK

- Are posters placed in physically accessible locations?
- Can small print of posted announcements be read from a wheelchair?
- Can copies of written materials be reasonably obtained by individuals with disabilities?
- Have disability groups been included in the dissemination process?

Printing

- Are all words clearly legible?
- Would color blind individuals be able to distinguish all content?

Graphics

- Are representations of disabled individuals free of patronizing stereotypes?
- Do graphics permit easy reading of content?



Content

- Is all necessary program information included?
- Are procedures for providing program access to disabled individuals stated clearly?
- Is the 504 contact person's name, address and phone number listed?



Attachment 3

INFORMATION DISSEMINATION CHECKLIST

	Target Population				
	Deaf or Hard of Hearing	Blind or Low Vision	Mobility Impaired	Homebound/Institution	Intellectual or Developmental Disability
Print Media (List names as appropriate)					
Brochure					
Circular					
Poster					
Newspaper					
Newsletter					
Magazine					
Broadcast Media (list stations)					
Radio					
Television					
Disability Organizations (list names)					

Note: The goal is to develop a standard dissemination process that provides access to program



information for qualified persons with disabilities.



SITE ACCESSIBILITY CHECKLIST

This checklist is intended to be used as a relatively quick and easy guide to determine a building’s physical accessibility. Detailed specifications for each area can be found in the Uniform Federal Accessibility Standards (UFAS).

Comments should be made on all “no” answers, and should include alterations that can or will be made, any insurmountable obstacles to accessibility, or other relevant circumstances and considerations.

Parking

Yes

No

- Does the facility have designated parking spaces for disabled individuals?
- Are spaces of adequate width (13 feet)?
- Are the spaces marked with the universal access symbol?
- Are they near the building’s entrance?

Comments: _____

Building Entrance

Yes

No

- Is the main entryway wheelchair-accessible? (level entry or properly sloped ramp; 32”wide, non-revolving door)
- If not, is there a reasonable alternative entry?
- Is the entry relatively free of obstacles?
(clear paths for wheelchair users and blind persons)

Comments: _____



Meeting Rooms

Yes

No

- Can all rooms to be used for meetings or meals be reached without using steps or escalators?
- If elevator use is required, are the elevators accessible? (36" wide door, 64" deep x 68" wide car, wheelchair-accessible controls, tactile buttons, auditory floor indicators)
- If room changes are required between sessions, are pathways accessible? (36" wide hallways, free of obstacles)
- Are doorways wide enough to accommodate a wheelchair?

Comments: _____

Facilities

Yes

No

- Are restrooms wheelchair-accessible? (adequate floor space for wheelchair; grab bars, paper products, lavatories at proper height; extended faucet handles)
- Are paths to the restrooms accessible?
- Are drinking fountains wheelchair-accessible?
- Can telephones be used from a wheelchair?

Comments: _____



Attachment 5

MEETING LOGISTICS CHECKLIST

Room Arrangement

Yes

No

- Are aisles of adequate width and free of obstruction?
- Does the seating plan provide adequate space for users of wheelchairs, canes or walkers?
- Have seats near the front been reserved for partially- sighted individuals?
- Are tables containing informational materials or refreshments accessible?
- If an interpreter is to be used, is there a clear line of vision for those using the service?
- Is there a designated “No Smoking” section?

Meals

Yes

No

- Can the eating site be reached by disabled individuals with reasonable effort?
- Has adequate time allowed for getting to/from the site?
- Have arrangements been made for any special meals?
- Are large type or Braille menus available?
- Have restaurant or banquet personnel been notified of special accommodations for disabled individuals?



Program

Yes

No

• Have program materials been prepared or other accommodations made for individuals who are visually or hearing impaired?

• Does the schedule allow adequate time for mobility impaired individuals to change rooms between sessions as needed?



Appendix B: Subrecipient Guidance (for future reference when and if applicable)

1. Subrecipient Responsibilities

Subrecipient must ensure that all CDBG-DR-funded activities are conducted in a manner that will not cause discrimination. Segregated facilities, services or benefits, or different treatment are prohibited. For facilities or buildings to have shared sleeping quarters or bathing facilities, refer to 24 CFR Part 5, Federal Register Notice FR 5863-F-02 published 2016.

2. Subrecipient Documentation

Subrecipients must maintain documentation that demonstrate efforts to comply with fair housing and nondiscrimination obligations. Documentation may include, but is not limited to, the following:

- Affirmative marketing and outreach efforts that reduce barriers to the provision of services, including materials reflective of the serviced County's diverse population, documents translated into the communities' dominant language(s), targeting outreach and marketing to Racially and Ethnically Concentrated Areas of Poverty (RECAPs) or other historically underserved areas;
- Case management and direct service staff that are representative of the population being served, include the use of local, trusted community members and partners, whenever possible;
- Access to holistic case management and housing counseling services to ensure long-term housing stability;
- Equitable policies and procedures for the sale of any funded properties;
- Resolutions or ordinances supporting fair housing practices;
- Sponsoring fair housing related trainings for local real estate professionals, subrecipient staff, and community members;
- Outreach and communication efforts that demonstrate meaningful engagement of members of protected classes and vulnerable populations in the planning and development process;
- Equitable policies and procedures for the sale of any funded properties (subrecipients and developers will be required to provide tenant selection policies);
- Legally sufficient justification for any practice that may predictably result in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.

Examples of documentation and other resources can be found on the HUD Exchange website at: <https://www.hudexchange.info/programs/nfhta/resource-library/>



3. Subrecipient Technical Assistance

Staff, board members, and contractors will receive annual Fair Housing training aligned with HUD guidelines. Internal compliance monitoring and external audits will be conducted to ensure ongoing adherence to this policy.

The State's Department of Homeland Security and Emergency Management (DHSEM) will provide the following resources to subrecipients to support efforts to affirmatively further fair housing.

- **Production of Resources:** Posters, FAQs, and online resources are available to support local outreach and education.
- Subrecipients can log onto: <https://www.hudexchange.info/programs/nfhta/resource-library/>
- **One-on-One Technical Assistance:** DHSEM will be available to provide consultations and technical assistance at request.
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