

SECTION .1000 - COMPLIANCE REQUIREMENTS

04 NCAC 19L .1001 EQUAL OPPORTUNITY AND NONDISCRIMINATION

No person shall on the grounds of race, color, national origin, sex, religion, handicap or familial status be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this Subchapter.

- (1) Recipients shall meet the requirements of:
 - (a) The Civil Rights Act of 1964 (P.L. 88-352) and specifically Title VI which provides that 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 subject to discrimination under any program or activity which receives federal funds;
 - (b) The Civil Rights Act of 1968 (P.L. 90-284) as amended, and specifically Title VIII which requires recipients to administer all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take action to affirmatively further fair housing in the sale and rental of housing, the financing of housing, and the provision of brokerage services;
 - (c) Section 109 of the Housing and Community Development Act of 1974, as amended (P.L. 93-383) which provides that no person in the United States shall, on the grounds of race, color, national origin, 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 provided under this Subchapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.) or with respect to any otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), shall also apply to any such program or activity;
 - (d) Executive Order 11063, as amended by Executive Order 12259, Leadership and Coordination of Fair Housing in Federal Programs, requiring that programs and activities relating to housing and urban development be administered in a manner to affirmatively further the goals of Title VIII of the Civil Rights Act of 1968;
 - (e) Executive order 11246, as amended, which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of federal and federally assisted construction contracts, and that affirmative action will be taken in all aspects of personnel negotiations; and
 - (f) Section 3, of the Housing and Urban Development Act of 1968, (P.L. 90-448) as amended, which requires that to the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any federal block grant program be given to lower-income residents of the unit of local government, metropolitan area or nonmetropolitan county in which the project is located and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in, the same metropolitan area or nonmetropolitan county as of the project.
- (2) Recipients shall meet the implementing requirements of:
 - (a) Regulations under Title VI of the Civil Rights Act of 1964, 24 C.F.R., Part 1 and 2;
 - (b) Equal Employment Opportunity under HUD Contracts and HUD Assisted Construction, 24 C.F.R. Part 130;
 - (c) Employment Opportunities for Businesses and Lower Income Persons In Connection With Assisted Projects, 24 C.F.R. 135; and
 - (d) HUD implementing regulations contained in 24 C.F.R. Part 107.
- (3) Local government recipients shall meet the requirements of Title II of the Americans with Disabilities Act of 1990 (P.L. 101-336) and its implementing regulations (28 CFR Part 35).
- (4) Recipients shall maintain records and data and document compliance efforts as required by the laws and regulations in this Rule including data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program and shall comply with Rule .0911 of this Subchapter.

History Note: Authority G.S. 143B-10; 143B-431; 24 C.F.R. 570.489; 24 C.F.R. 570-490; 24 C.F.R. 570.496; 42 U.S.C.A. 1982; 42 U.S.C.A. 2000d et seq.; 42 U.S.C. 5309; Eff. July 1, 1982; Amended Eff. June 1, 1993; March 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.