

# FAIR HOUSING, ACCESSIBILITY AND EQUAL OPPORTUNITY

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## *An Overview of Key Regulations and Requirements for CDBG Projects*

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# Session Objectives

- **Introduction & Overview**
  - Fair Housing
  - Handicapped Accessibility and Section 504
  - Other Rules and Requirements
  - Questions/Discussion

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# FAIR HOUSING

- Fair Housing are the federal and state laws prohibiting discrimination against protected classes and ensuring equal access to all programs, services and activities that receive federal funds.



DISABILITY



RACE



SEX



COLOR



NATIONAL  
ORIGIN



RELIGION



FAMILY  
STATUS

- **Regulatory Citations:**
  - Section 109 §570.487 and 570.495(b)
- **Reference Materials:**
  - Fair Housing and Equal Opportunity Website
  - Uniform Federal Accessibility Standards

# FAIR HOUSING

## Prohibited Activities

- No Segregated facilities, services or benefits.
- No Denial of Access to any advantage arising out of a project solely on the basis of a protected class.
- No project is offered for the enjoyment of a segment of the populations to intentionally exclude a member of a protected class.
- No exclusionary or discriminatory effect in the selection of sites.

# FAIR HOUSING – MEANINGFUL ACCESS

All persons within the protected classes must have an equal opportunity to participate in and benefit from the program, service or activity and have the same range of choices as those offered to non-disabled individuals.

For persons with disabilities, CDBG recipients should make reasonable accommodations and/or reasonable building modifications.

# FAIR HOUSING – AFFIRMATIVE MARKETING

Adopt affirmative marketing procedures and requirements for all CDBG-assisted housing with five or more units.



Requirements and procedures must include:

- Methods for informing the public, owners and potential tenants about fair housing laws and the CDBG recipient's policies (for example, use of the Fair Housing logo or equal opportunity language);
- A description of what owners and/or the CDBG recipient will do to affirmatively market housing assisted with CDBG funds;
- A description of what owners and/or the CDBG recipient will do to inform persons not likely to apply for housing without special outreach;
- Maintenance of records to document actions taken to affirmatively market CDBG-assisted units and to assess marketing effectiveness; and
- Description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

# FAIR HOUSING - REASONABLE ACCOMMODATIONS

- A reasonable accommodation is a change, adaptation or modification to a policy, program, service, or workplace which will allow an otherwise qualified person with a disability to participate fully in a program, take advantage of a service, live in a dwelling or perform a job.
- In order to show that a requested accommodation is necessary, there must be an identifiable relationship or *nexus*, between the requested accommodation and the individual's disability.



# Fair Housing

- Who qualifies as disabled?

Any person who has (or is regarded as having):

(1) physical or mental impairment that (2) substantially limits one or more major life activities.

Examples:

- Orthopedic, visual, speech and hearing impairments
- Cerebral palsy
- Autism
- Epilepsy
- Muscular dystrophy
- Heart Disease
- HIV
- Mental Illness

Activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, working, performing manual tasks, caring for one's self, learning, and speaking.

# Service vs. Emotional Support Animals

## Service Animals

- Dog
- Is trained to work or perform tasks for an individual with a disability

## Emotional Support Animals

- Any other animal (within reason)
- No training or certification is required.
- Used for therapy/mental health/emotional support

## **Reminders for both Service Animals and Emotional Support Animals**

- No additional fees allowed
- No overly restrictive rules permitted
- Some reasonable restrictions permissible regarding breed, size and number
- They are not pets.

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# BUILDING ACCESSIBILITY AND SECTION 504 – REASONABLE MODIFICATIONS



- A structural change made to existing premises to afford a disabled person full enjoyment.
- Like reasonable accommodations, a modification must be **reasonable with a nexus between the modification request and the individual's disability**.
- Section 504 requires that the property owner, as a recipient of federal dollars, pay for reasonable modifications.

# Building Accessibility and Section 504

Communication is an important component of program accessibility.

- Be responsive to request for auxiliary aids and services
- For Section 504, the target population includes vision impaired, hearing impaired, mobility impaired and developmentally disabled individuals.
- Maintain resources for sign language interpreters and written translations, alternative text, audio descriptions services, etc.

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# Other Rules and Requirements

- Section 3 Requirements
- WBE/MBE
- Language Assistance Plans/Transition Plans
- Recordkeeping
- Compliance Monitoring

# QUESTIONS/DISCUSSION

Contact DCA Office of General Counsel

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Thanks!