

APPENDIX G PRIMARY FEDERAL REGULATIONS

All activities shall be subject to and performed in accordance with the provisions of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 5301 et seq., hereinafter "the Act"), HUD regulations in 24 CFR 570 Subpart I, 24 CFR Part 85 (as may be determined applicable by the Massachusetts CDBG Program), and any regulations, directives or guidelines as may be established by DHCD for the Massachusetts CDBG Program. Where appropriate, subrecipients must comply with these requirements.

All activities shall be conducted in accordance with all applicable laws, rules, regulations, ordinances, orders and requirements of the Commonwealth and the federal government including, but not limited to, the following:

1. **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq.), and HUD regulations at **24 CFR Part 1**, which prohibit discrimination based on race, color, or national origin under any program or activity receiving federal financial assistance.
2. **Title VIII of the Civil Rights Act of 1968** (42 U.S.C. 3601 et seq., known as the Fair Housing Act), which prohibits discrimination based on race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, financing, or brokering of housing; and **Federal Executive Order 11063**, as amended by **Executive Order 12259**, and as implemented by regulations at **24 CFR 107**, which prohibits such discrimination in the sale or rental of property which has received federal assistance.
3. **Section 109 of the Act**, as amended (42 U.S.C. 5309), which prohibits discrimination based on race, color, national origin, religion, or sex under any program or activity receiving assistance under the Act, as well as any anti-discrimination laws which are made applicable by Section 109 to such programs or activities, including the **Age Discrimination Act of 1975** (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age, and **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794), which prohibits discrimination based on handicap.
4. The **Davis-Bacon Act** (40 U.S.C. 276a - 276a-7), as supplemented by Department of Labor regulations at **29 CFR Part 5**, which provides that laborers and mechanics employed by the Contractor or subrecipients on construction projects (consisting of 8 or more units in the case of residential property) assisted under the Act shall be paid wages determined by the Secretary of Labor, provided that Davis Bacon shall not apply to "volunteers"; and the **Contract Work Hours and Safety Standards Act** (40 U.S.C. 327 et seq.), as supplemented by Department of Labor Regulations at **29 CFR Part 5**, which contains labor standards for work on contracts financed by federal grants. The Contractor shall include these requirements in agreements with subrecipients.

5. The **National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)**, and such other provisions of law which further the purposes of the **National Environmental Policy Act** as specified in **24 CFR Part 58**, entitled **“Environmental review procedures for entities assuming HUD environmental responsibilities,”** and **24 CFR Part 50**, et al, entitled **“Protection and enhancement of environmental quality”**, published as a Final Rule in the September 29, 2003 **Federal Register**, effective October 29, 2003.
6. The **Housing and Urban Development Act of 1968, Section 3** (12 U.S.C. 1701u), which requires that training and employment opportunities be made available to lower-income persons living in the community where a project assisted under the Act is located, and that contracting opportunities be made available to businesses located in or owned by persons living in such community. The Contractor shall include this requirement in agreements with subrecipients. The text of this clause is included in the Massachusetts CDBG Program Operations Manual.
7. **Title X of the Lead-Based Paint Poisoning Prevention Act** (42 U.S.C. 4831), which prohibits the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance; **24 CFR Part 570.487(c)**, which requires the elimination as far as practicable, of the hazards of lead poisoning due to the presence of lead-based paint in any existing housing assisted with funds provided under this contract; and **at 24 C.F.R. Part 35, which became effective on September 15, 2000.**
8. Regulations at **24 CFR Part 44**, containing audit requirements for units of local government receiving federal financial assistance.
9. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** (42 U.S.C. 4601 et seq.) and regulations at **49 CFR Part 24**, and **Section 104 (d) of the Act** and regulations at **24 CFR 570.488**, which require the Contractor to adopt policies and plans designed to minimize displacement of residents and businesses, and to provide relocation benefits and assistance.
10. Regulations at **49 CFR Part 24, Subpart B, Uniform Relocation Act**, governing the acquisition of real property for activities assisted under the Act.
11. **Federal Executive Order 11246**, as amended by Executive Order 11375, and implemented by Department of Labor Regulations at **41 CFR Chapter 60**, which require the Contractor to adopt equal employment practices and cooperate with the Secretary of Labor in assuring compliance by subrecipients. The Contractor shall include this requirement in agreements with subrecipients. In addition, for all subcontracts which are nonexempt as defined in 41 CFR 60-1.5 (generally, subcontracts in excess of \$10,000), the Contractor shall include in the agreement the "equal opportunity clause" set

forth in 41 CFR 60-1.4(b) for construction contracts, and in 41 CFR 60-1.4(a) for all other contracts.

12. The **Copeland Anti-Kickback Act** (18 U.S.C. 874) as supplemented by Department of Labor regulations at **29 CFR Part 3**. The Contractor shall include this requirement in agreements with subrecipients.
13. **The American with Disabilities Act of 1990** (42 U.S.C. 12101 et seq.), which prohibits discrimination against disabled individuals in private and public employment, public accommodations, public transportation, government services, and telecommunications. The Contractor shall include this requirement in agreements with subrecipients.
14. **Section 102 of the Department of Housing and Urban Development Reform Act of 1989 as supplemented by HUD regulations at 24 CFR Part 12** which requires applicants to a state, or to a unit of local government, for assistance from HUD to make a number of disclosures. See specific requirements under "Special Conditions" and Exhibit A below.
15. **Administrative Requirements.** The Contractor shall comply with the provisions of 24 CFR Part 85, "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments", as follows:
 - Part 85.20 Standards for Financial Management Systems
 - Part 85.22 Allowable Costs citing OMB Circular A-87 requirements
 - Part 85.25 Program Income
 - Part 85.30 Budget/Program revisions
 - Part 85.31,32,33 Changes in Real Property, Equipment & Supplies
 - Part 85.43 Enforcement/Termination for Cause
 - Part 85.50 Close-out
16. **Political Activity Prohibited Under the Hatch Act.** None of the services to be provided by the Contractor shall be used for any partisan political activity or to further the election or defeat of any candidate for public office. The Contractor shall adhere to the provisions of the Hatch Act (5 U.S.C. 1501 et seq.), which limits political activities by employees whose principal employment is in connection with an activity, which is financed in whole or in part by federal funds.
17. Regulations at **41 CFR 60-250**, implementing the Vietnam Veterans Act, which requires affirmative action obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era.
18. **Conflict of Interest.** The Contractor shall adhere to the requirements of M.G.L. Chapter 268A and the HUD Conflict of Interest regulations at 24 CFR Part 570.489(h).

19. **Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305)**, as amended by adding at the end of the following new subsection: (h) Prohibition of Use of Assistance for Employment Relocation Activities. Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1999 or any succeeding fiscal year may be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

20. If Community Development Block Grant (CDBG) funds are being provided to primarily religious organizations, it must be in accordance with HUD's guidance on **Participation in HUD Programs by Faith-Based Organizations; Providing for Equal Treatment of all HUD Program Participants, Final Rule**, as published in the **Federal Register (Vol. 68, No. 189)** on September 30, 2003 on Pages 56396-56408, effective October 30, 2003.