

760 CMR 47.00: NON-DISCRIMINATION, EQUAL OPPORTUNITY, AND AFFIRMATIVE FURTHERANCE OF FAIR HOUSING AFFIRMATIVE ACTION REGULATIONS GOVERNING RECIPIENTS OF EOCD/DCA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FINANCIAL ASSISTANCE

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47.01: Declaration of Policy

(1) Non-discrimination and equal opportunity are the policy of the Department of Housing and Community Development ~~Executive Office of Communities and Development/Department of Community Affairs (EOCD/DCA)~~ in all of its decisions, policies, programs and activities. To that end, ~~the all EOCD/DCA Department employees~~ shall rigorously take affirmative steps to ensure equality of opportunity in the internal affairs of ~~EOCD/DCA~~ the Department, as well as in its relations with the public. ~~EOCD/DCA~~ The Department, in performing its statutory responsibilities, shall consider the likely effects which its decisions, policies, programs and activities shall have in meeting the goal of equality of opportunity.

(2) Equal opportunity and Affirmatively Furthering Fair Housing Affirmative Action requires more than vigilance in the elimination of discriminatory barriers on the grounds of race, color, ~~religion~~ reed, national origin, ancestry, handicap disability, sex, age, familial status, ~~language, veteran status or~~ military service, ~~and~~ sexual orientation, gender identity or expression, and other bases prohibited by law. It also entails positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those policies and programs which affect persons and political subdivisions throughout the Commonwealth.

(3) ~~EOCD/DCA~~ The Department shall initiate, where appropriate, affirmative ~~action~~ policies and programs designed to remedy the lingering effects of any past and present discriminatory patterns and practices and to affirmatively further fair housing to the

extent that such policies and programs are consistent with the purposes and provisions of applicable law, as amended, including M.G.L. c.151B, ~~and~~ Executive Orders ~~227, 237, 246, and 253~~ 526, 559, and 565,478, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

47.02: Purpose and Scope

(1) 760 CMR 47.00 is designed to provide a framework within which the ~~EODC/DCA~~ Department can design and implement policies and programs to ensure equal opportunity and full participation for all citizens of the Commonwealth.

(2) 760 CMR 47.00 is also intended to define the equal employment opportunity, fair housing, and business utilization, ~~and affirmative action~~ obligations of any applicant for state, state-assisted, federal or federally-assisted funds administered by the ~~Secretary~~ Undersecretary of ~~EODC/DCA~~ the Department.

47.03: Definitions

Affirmatively Furthering Fair Housing as used herein has the meaning given by the U.S. Department of Housing and Urban Development under the Affirmatively Furthering Fair Housing Final Rule at 24 C.F.R. 5.152 or any applicable successor regulation.

Applicant means any person, private for-profit or non-profit organization, or political subdivision of the Commonwealth which submits to the ~~EODC/DCA~~ Department any application, contract, request, or plan for ~~F~~ financial ~~A~~ assistance from the ~~EODC/DCA~~ Department which the ~~Secretary~~ Undersecretary is not obliged by law to fund.

Clearinghouse means any individual, organization, or agency established for, among other reasons, the purpose of furthering fair housing opportunities ~~on a regional or city-wide basis.~~

Commission means the Massachusetts Commission Against Discrimination (MCAD) and its successors.

~~DCA means the Department of Community Affairs.~~

~~EODC/DCA means the Executive Office of Communities and Development.~~

Department means the Department of Housing and Community Development and its successors

Financial Assistance means any of the following, to the extent such assistance is provided by or on behalf of DHCD:

(a) any discretionary grant, loan or advance of state or federal funds,

- (b) any grant or donation of state or federal property or interest in property,
- (c) any state or federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance, such as the allocation of federal or state tax credits, tax-exempt bond authority, or loan guarantees, and/or
- (d) the sale, lease, or licensing of state or federal property, both real and personal, or any interest in such property, at a price below the current market value of such property interest.

LHA means a Local Housing Authority as established under M.G.L. c.121B or comparable legislation.

~~MBE means a business organization which is beneficially owned and controlled 51% or more by one or more Minority Group Members and is certified as such by the Massachusetts Supplier Diversity Office (SDO) State Office of Minority and Women's Business Affairs.~~

Racial/Ethnic Minority Group Member means a person who is:

(1) One of the following groups, as defined by the U.S. Census Bureau:

~~(a) American Indian; Native American or Alaska Native —A person having origins in any of the original peoples of North America, and who maintains cultural identifications through tribal affiliations or community recognition.~~

~~(b) Asian; Asian or Pacific Islander —A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.~~

~~(c) Black or African American; —A person having origins in any of the black racial groups of Africa.~~

~~(d) Hispanic or Latino; —A person of Mexican, Puerto Rican, Cuban, Dominican, Central, or South American origin.~~

~~(e) Native Hawaiian or Other Pacific Islander; or~~

~~(2) Cape Verdean, Eskimo, Aleut, or any other racial/ethnic minority designation pursuant to applicable executive order or law.~~

~~(e) Cape Verdean —A person having origins in the Cape Verde Islands.~~

Political Subdivisions means any unit of local government, city, town, county, or subdivision thereof; instrumentality of the Commonwealth; or any other government entity, including authorities.

Supplier Diversity Business Enterprise means a business enterprise defined under current state law or by policy of the Operational Services Division for purposes of the Supplier Diversity Program, including Minority Business Enterprises, Women Business Enterprises, Service-Disabled Veteran-Owned Business Enterprises, Veteran-Owned

Business Enterprises, Disability-Owned Business Enterprises, and LGBT-Owned Business Enterprises.

~~Secretary/Undersecretary~~ means the ~~Secretary/Undersecretary~~ of the ~~Department of Housing and Community Development-Executive Office of Communities and Development/Department of Community Affairs.~~

~~WBE means a business organization which is beneficially owned and controlled 51% or more by one or more women and is certified as such by the Massachusetts SDOtate Office of Minority and Women's Business Affairs.~~

47.04: Role of the Department of Housing and Community Development Executive Office of Communities and Development

~~EOCD/DCA~~The Department is the Commonwealth's lead housing and community development agency. In this capacity, it is charged with addressing the management, housing, and community development needs of the Commonwealth's 351 cities and towns. ~~EOCD/DCA~~The Department is also charged with coordinating the Commonwealth's overall long-term housing and community development strategy.

(1) In deciding whether to award ~~f~~Financial aAssistance to an Aapplicant, the ~~Secretary/Undersecretary~~ shall consider whether the Aapplicant is in compliance with applicable civil rights obligations, ~~as determined by the Commission,~~ in the areas of housing, employment, public accommodation, and Supplier Diversity Business Enterprise MBE/WBE-utilization as applicable. ~~The Secretary shall review the reasons for the Commission's determination, giving substantial weight to the Commission's recommendation.~~ To facilitate the ~~Secretary/Undersecretary's~~ review of the Aapplicant's civil rights record, the ~~Secretary/Undersecretary~~ shall implement the following procedures, ~~which were initially the subject of a Memorandum of Agreement between EOCD/DCA and the Commission dated March 22, 1985:~~

(a) ~~notify the Commission on an annual basis of projected rounds of funding of discretionary non-entitlement programs administered by EOCD/DCA to be awarded to municipalities and local housing authorities or to private applicants~~ Seek information from the Commission and the Office of the Attorney General regarding the civil rights compliance status of Applicants for Financial Assistance and conduct related searches of judicial decisions regarding discrimination claims against Applicants. ~~Such notice shall include:~~

- ~~1. anticipated dates of program funding cycles,~~
- ~~2. types of applications,~~
- ~~3. program funding value,~~
- ~~4. funding source, and~~
- ~~5. applicant selection criteria;~~

~~(b) notify the Commission of any changes or program modifications which would affect the Commission/EOCD review system;~~

~~(e) Inform Applicants of the requirements of 760 CMR 47.00;~~

~~(d) notify the Commission at the time of issuing a Request for Proposals (RFP) for financial assistance to applicants and provide the following:~~

- ~~1. a copy of the notice;~~
- ~~2. a list of prospective applicants receiving the notice;~~
- ~~3. the date responses to the RFP are due;~~
- ~~4. the anticipated date of final funding decision; and~~
- ~~5. the anticipated award date;~~

~~Where the Secretary anticipates the provision of financial assistance to an applicant without resort to an RFP, the Secretary will also notify the Commission of such proposed action and provide the Commission with ample opportunity to notify EOCD/DCA as to whether the applicant is in compliance with applicable civil rights laws.~~

~~(c) Other factors that the Department may consider in deciding whether to award Financial Assistance to an Applicant will include, but are not belimited to, the following:~~

- ~~1. Efforts in Affirmatively Furthering Fair Housing by the Applicant generally, and as proposed for a project or activity for which the Applicants seeks funding.~~
- ~~2. Efforts to overcome barriers to multi-family and affordable housing growth, such as exclusionary zoning and land use and permitting denials;~~
- ~~3. Efforts to provide a diversity of housing types;~~
- ~~4. Availability of, and efforts to provide, subsidized housing for a range of income levels and family types and sizes consistent with regional need;~~
- ~~5. Efforts to provide housing that increases access and community integration for persons with disabilities;~~
- ~~6. Application for, and use of, funds to improve access to opportunity and community assets in furtherance of diversity and fair housing goals.~~
- ~~7. Progress in planning for and achieving greater accessibility in housing and in the community;~~
- ~~8. Civic engagement and affirmative outreach in providing affordable housing and civil rights related education and resources; and~~
- ~~9. Other criteria the Department determines to be consistent with affirmative furtherance of fair housing and equal opportunity goals.~~

~~(ed) Upon information from notification by the Commission or the Office of the Attorney General that an aApplicant is in apparent non-compliance status, the Department may direct the Applicant to make a sincere and concerted effort to reach agreement with the Commission, Office of the Attorney General, or other relevant enforcement authority which will bring the Applicant into compliance.~~

~~(ef) The Department will not award funds to an Applicant that the CommissionDepartment finally determines to be in non-compliance status, as provided~~

~~based on its review in accordance with 760 CMR 47.045(1) herein, unless unless after reviewing the reasons for the Commission's determination, the SecretaryUndersecretary finds that the proposal or project is necessary for the protection of the public health or welfare and the Applicant has made a sincere and concerted effort to reach agreement with the Commission, Office of the Attorney General, or other relevant enforcement authority as required by 760 CMR 47.04(1)(a)5. Any such finding shall be forwarded in writing to the Commission.~~

~~(f) The Department will~~ award funds to an Applicant that ~~the Department the MCAD~~ determines to be in conditional compliance status, ~~based on its review in accordance with, as provided in~~ 760 CMR 47.045(1)(h)2. ~~herein~~, only where the ~~SecretaryUndersecretary~~ determines, ~~including~~ after consultation with the Commission ~~or the Office of the Attorney General~~, that the imposition of certain conditions on such award will further the Applicant's ability and willingness to comply with applicable civil rights requirements. If an Applicant fails to comply with these conditions during the period of such award, the ~~CommissionDepartment~~ may conclude that such failure warrants a determination that the Applicant is in non-compliance.

~~(g)(h)~~ The ~~SecretaryUndersecretary~~ shall appoint a ~~Diversity Affirmative Action~~ Officer who shall have, among other things, the following authority and responsibilities:

1. establish reporting requirements for all successful Applicants relative to their compliance with the obligations under 760 CMR 47.00;
2. gather information, and report such information regularly to the ~~CommissionUndersecretary~~, relative to successful Applicants' compliance with the obligations under 760 CMR 47.00;
3. track and advise the ~~SecretaryUndersecretary~~ relative to program compliance with the equal opportunity obligations of Executive Order ~~227526 or superseding Executive Orders~~;
4. recommend approval or disapproval of all ~~EOCD/DCADepartment~~ appointments and ~~EOCD/DCADepartment~~ funded construction contracts;
5. supervise monitoring and enforcement of ~~EOCD/DCAthe Department's~~ Affirmative Action Plan as described in 760 CMR 47.06 herein;
6. inform and otherwise assist ~~EOCD/DCADepartment~~ program managers regarding the substance of any civil rights comments provided by the Commission ~~or the Office of the Attorney General~~, as well as of any compliance conditions imposed by ~~EOCD/DCAthe Department~~ on the award of Financial Assistance.
7. in concert with ~~the Department's EOCD's~~ Chief Counsel, inform ~~EOCD/DCADepartment~~ program managers of any changes in applicable civil rights laws and policies; and
8. in concert with ~~the Department's EOCD's~~ Chief Counsel, provide instruction to ~~EOCD/DCADepartment~~ program staff on civil rights compliance and procedures for tracking compliance.

47.05: ~~Role of the Massachusetts Commission Against Discrimination~~

~~The Commission is the Commonwealth's designated civil rights monitoring and enforcement agency in the areas of employment, housing, and business utilization pursuant to M.G.L. c. 151B, as amended, and Executive Order No. 227, entitled Governor's Code of Fair Practices. As a matter of legal authority, administrative structure and resources, and experience, the Commission is uniquely qualified to make determinations concerning the compliance of applicants with applicable civil rights laws. Therefore, in furtherance of 760 CMR 47.00, EOCD/DCA shall rely on the determination of the Commission relative to an applicant's record of compliance with applicable civil rights requirements, based on the following Commission assistance:~~

- ~~(1) notify EOCD/DCA in writing every four months of the compliance or non-compliance status of municipalities and local housing authorities (LHA's) throughout the Commonwealth;~~
- ~~(2) notify EOCD/DCA, not less than one week prior to the date RFP responses are due, whether the compliance status of any municipality or LHA's referred to in 760 CMR 47.00 is subject to change and, if so, the substance of any anticipated change. Any such municipality or LHA subject to such change shall be in "conditional status" for the purpose of 760 CMR 47.00; and~~
- ~~(3) recommend to the Secretary a form(s) for notifying applicants of their civil rights obligations as defined in Executive Order No. 227, and all other applicable federal and state civil rights requirements.~~

47.056: Employment Policies of EOCD

- (1) All ~~EOCD/DCA~~Department officials and supervisory employees shall appoint, assign, train, evaluate, compensate, and promote agency personnel on the basis of merit and fitness, without discrimination on the basis of ~~regard to~~ race, color, religion, national origin, disability, ancestry, ~~language~~, sex, age, military service/veteran status, sexual orientation, gender identity, or any other basis prohibited by law. ~~handicap (provided reasonable accommodations can be made).~~
- (2) The following standards and procedures shall govern the preparation and adoption of affirmative action and diversity plans by ~~EOCD/DCA~~the Department:
 - (a) set forth goals and timetables and employ all reasonable measures to eliminate the lingering effects of any present or past discriminatory employment practices;
 - (b) review its existing staffing patterns, and to the extent that such patterns indicate a pattern of staffing of Racial/Ethnic Mminority group members and women, persons with disabilities, and veterans that is not fairly reflective of the percentage of Racial/Ethnic Mminority Ggroup members, ~~and~~ women, ~~persons with disabilities, and veterans in the greater Boston Metropolitan Statistical Area (MSA), SMSA, take appropriate remedial measures to resolve and eliminate such patterns in future hiring and promotion decisions;~~

(c) conduct an ongoing review of its ~~A~~affirmative ~~A~~action and diversity Pplan to ensure compliance with such plan, and with the intent of 760 CMR 47.00 in accordance with applicable executive orders;

(d) appoint a ~~Diversity~~ ~~A~~affirmative ~~A~~action Officer to supervise monitoring and enforcement of the ~~A~~affirmative ~~A~~action and diversity pPlan. In addition, the ~~Diversity~~ ~~A~~affirmative ~~A~~action Officer shall have the authority to recommend approval or disapproval of all appointments and ~~EOCD/DCA~~Department funded construction contracts.

(3) The ~~Secretary~~Undersecretary shall, in conjunction with the Commission, periodically review the above standards and procedures and shall propose modifications and amendments where appropriate, provided however, that any such modifications and amendments shall include without limitation, the provisions of this policy 760 CMR 47.06(1)(a) through (d).

47.067: Non-Discrimination in State Services

All ~~EOCD/DCA~~Department services shall be provided without discrimination in accordance with 760 CMR 47.01. based on race, color, religion, national origin, ancestry, age, sex, military service, marital status, familial status, disability, or sexual orientation. No ~~EOCD/DCA~~Department facility shall be used in furtherance of any discriminatory pattern or practice nor shall ~~EOCD/DCA~~the Department become a party to any agreement, arrangement, or plan which has the effect of sanctioning such patterns or practices. 760 CMR 47.07 shall apply to any public, quasi-public, or private non-profit entity which provides such services pursuant to a contract with ~~EOCD~~ the Department. Any such contract shall include language implementing 760 CMR 47.07.

47.07: Contracting and Supplier Diversity Business Enterprise Utilization

(1) Each successful Applicant shall ensure that every construction contract or contract for goods or services utilizing Financial Assistance from the Department shall contain a provision prohibiting discriminatory employment practices by contractors, sub-contractors, and suppliers of goods or services based on race, color, religion, national origin, ancestry, age, sex, disability, military service, sexual orientation, gender identity or expression, or any other basis prohibited by law. The non-discrimination provision shall require contractors and suppliers of goods or services to give written notice of their commitments under 760 CMR 47.09 to any labor union, association, or brotherhood with which they have a collective bargaining or other agreement. Such notice shall also be given to the Commission, SDO, and the Department's Diversity Officer.

(2) Each successful Applicant shall take affirmative steps to increase the participation of Supplier Diversity Business Enterprises in all construction, consultant, goods, and service contracts, including identifying any practical impediments to such participation. Each

such Applicant shall also take such further steps as the Department may from time-to-time conclude will further compliance with this requirement, including the establishment of annual goals for Supplier Diversity Business Enterprise participation.

47.08: Affirmative Action Governing LHA's

~~Pursuant to M.G.L. c.121B, EOCD/DCA the Department has financial, legal, and regulatory authority over the activities of the Commonwealth's LHAs. Based on this authority, EOCD/DCA the Department seeks has previously promulgated 760 CMR 33.00, effective May 13, 1988, to ensure against future discrimination in accordance with 760 CMR 47.01 based on race, color, religion, national origin, sex, language, sexual orientation, political beliefs or affiliations, military service, age, presence of children, or disability, and to remedy affirmatively the effects of any past or present discrimination in the internal hiring and personnel and tenant selection policies and practices of LHAs, as well as in the purchase of goods and services and in the construction of state aided housing by such authorities. Pursuant to this regulatory authority, and in accordance with applicable executive orders, EOCD/DCA the Department has issued and periodically reviews and revises, a policy, including annual numerical goals, regarding the utilization of MBE's and WBE's for the construction and modernization of state aided housing by LHAs. 760 CMR 33.00 is hereby cross referenced and incorporated herein. Notwithstanding the applicability of 760 CMR 33.00 to LHAs, LHAs are also subject to 760 CMR 47.00.~~

47.089: Responsibility of the Applicant

(1) It is the responsibility of each Aapplicant for Ffinancial Aassistance from EOCD/DCA the Department to ensure that in the administration of its policies, programs, and projects, it is in compliance with 760 CMR 47.00 and all applicable civil rights laws, and is pursuing all reasonable measures designed to foster equal opportunity and participation in such policies and programs. To the extent that the Aapplicant identifies policies and programs which may have had and/or may continue to have a discriminatory impact on individuals, businesses, or organizations relative to housing, employment or Supplier Diversity Business Enterprise MBE/WBE utilization, the Aapplicant must take appropriate affirmative measures to remedy the effects of such discrimination. The obligations of the Aapplicant herein apply not only to an initial determination of eligibility for Ffinancial Aassistance but also to the administration of any such assistance.

~~(2) Each successful applicant shall ensure that every construction contract or contract for goods or services utilizing Ffinancial Aassistance from EOCD/DCA the Department shall contain an article prohibiting discriminatory employment practices by contractors, sub-contractors, and suppliers of goods or services based on race, color, religion, national origin, ancestry, age, sex, disabilityhandicap, military service, or sexual orientation, gender identity or expression, or any other basis prohibited by law. The non-discrimination article shall include a provision requiring contractors and suppliers of~~

goods or services to give written notice of their commitments under 760 CMR 47.09 to any labor union, association, or brotherhood with which they have a collective bargaining or other agreement. Such notice shall also be given to the Commission, SOMWBA, SDO, and EOCD/DCA the Department's Diversity Affirmative Action Officer.

(3) Each successful applicant shall take affirmative steps to increase the participation of MBEs and WBEs in all construction, consultant, goods, and service contracts, including identifying any practical impediments to such participation. Each such applicant shall also take such further steps as EOCD/DCA the Department may from time to time conclude will further compliance with this requirement, including the establishment of annual goals for MBE and WBE participation. Where an applicant is a city or town with a population of more than 10,000 permanent residents or as otherwise directed by the Department, such applicant shall implement the following additional measures:

(a) develop a viable MBE/WBE program, which ensures opportunities for MBEs and WBEs in the awarding of contracts by the city or town. The program should include an annual specific goal for MBE/WBE participation of 5% for MBEs and 5% for WBEs respectively for construction and for goods and services in accordance with directives or guidance issued by the Department, SDO, and/or the Executive Office for Administration and Finance (ANF).

(b) notify SDO/SOMBWA of its intent to solicit bids and make available to SDO/SOMBWA, upon request, copies of such solicitation, specifications and plans, prior to publication of the availability of any construction contract with an estimated value in excess of \$50,000 unless otherwise directed by the Department, SDO, or ANF.

(c) maintain and update on an annual basis a fair housing plan which outlines the objectives and specific actions to be taken by the applicant for the current year to foster housing opportunities for Racial/Ethnic Minority Group Members households.

(d) maintain and update on an annual basis an equal employment opportunity plan which outlines the objectives and specific action to be taken by the applicant for the current year to ensure that Racial/Ethnic Minority Group Members, women, persons with disabilities, and veterans workers are adequately represented among the applicant's workforce, and

(24) Relative to an application for Financial Assistance for a residential project, it is the responsibility of each Applicant to do the following:

(a) If developing operating, or managing housing:

(i) submit an affirmative fair housing marketing and resident selection plan to EOCD/DCA the Department consistent with applicable Department regulations, guidelines, or directives, to ensure that reasonable measures are taken to disseminate to minority households in the region where the development is to be located information concerning the availability of affordable housing units in the development. No Financial Assistance shall be provided by EOCD/DCA the Department to such an Applicant until such plan is approved in writing by EOCD/DCA the Department, and:

~~(b) satisfy whatever affirmative action occupancy goals are established by EOCD/DCA the Department for the development based on the methodology set forth in 760 CMR 5.08(3)(b);~~

~~(ii) list the availability of units in the development with any Cclearinghouse designated by in accordance with applicable guidelines or directives issued by the Department EOCD which has been established in the region or adjacent regions where the development is to be located; and~~

~~(bd) adopt other measures to affirmatively further fair housing opportunities, such as the Aapplicant's participation in a region-wide strategy or plan.~~

The requirements of 760 CMR 47.09(4)(d) shall not apply to any application for Ffinancial Aassistance for housing to be constructed or renovated pursuant to EOCD/DCA the Department's Chapter 689 (Special Needs) Program.

47.0910: Severability, Compliance and Sanctions

The provisions of 760 CMR 47.00 are severable, and if any of these provisions shall be held illegal by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Any person who has evidence of non-compliance with 760 CMR 47.00 may submit a written complaint to the Secretary/Undersecretary for appropriate action. ~~The Secretary/Undersecretary will provide notice of such complaint to the Commission, which shall initiate a prompt investigation to determine whether a compliance review, report, complaint, or any other information indicates a possible failure to comply.~~

~~(1) Upon advice of the Commission, if any complaint investigation indicates that no (a) Department action is not warranted or (b) that further investigation by a civil rights enforcement agency is necessary or appropriate to determine whether a violation has occurred, the Secretary/Undersecretary shall so inform the complainant, if any, in writing. The Department shall also refer the complainant to the Commission, the Office of the Attorney General, or other applicable agency as appropriate.~~

~~(2) If the investigation indicates a failure to comply, the Secretary shall request the Commission to attempt to resolve the matter by informal means whenever possible.~~

~~(3) Upon notice by the Commission that the matter cannot be resolved, the Secretary/Undersecretary shall take whatever action s/he deems appropriate to resolve the complaint.~~

~~(2) The UndersSecretary may als notify the Commission or the Office of the Attorney General, with a recommendation that appropriate proceedings be brought to enforce any rights of the Commonwealth under any law of the United States or the Commonwealth.~~

~~(3) The Department may also require the Applicant to develop, implement, or update a fair housing or equal employment opportunity plan in furtherance of the objectives of 760 CMR 47.00.~~

The ~~Secretary~~Undersecretary, in determining compliance with 760 CMR 47.00, shall request the assistance of the Commission ~~or the Office of the Attorney General~~ where appropriate.

REGULATORY AUTHORITY:

760 CMR 47.00: M.G.L. c. 6A, § 8; M.G.L. c. 23B; M.G.L. c. 121B; and M.G.L. c. 151B, § 4;

Title VIII of the 1968 Civil Rights Act;

42 U.S.C. § 3601 et seq.;

Executive Orders ~~74, 227, 237, 246, and 253~~524, 526, 559, and 565.