

## Federal Property Management Regulations

## § 101-19.101-3

### § 101-19.101 Application of socio-economic considerations.

This section provides an effective systematic arrangement to insure the availability of low- and moderate-income housing for Federal employees without discrimination because of race, color, religion, or national origin and to influence the improvement in social and economic conditions in the area of Federal buildings.

#### § 101-19.101-1 Location of buildings.

(a) GSA, in all its determinations regarding the location of federally constructed buildings and the acquisition of leased buildings, will consider to the maximum possible extent the availability of low- and moderate-income housing for employees without discrimination because of race, color, religion, or national origin and will affirmatively further the purposes of title VIII of the Civil Rights Act of 1968.

(b) Final decisions of the Administrator of General Services will be based on the determination that such decisions will improve the management and administration of governmental activities and services and will foster the programs and policies of the Federal Government.

#### § 101-19.101-2 Agreement with Secretary of Housing and Urban Development.

(a) The Administrator of General Services has entered into an agreement with the Secretary of Housing and Urban Development to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report to GSA findings on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to proposed locations for a federally constructed building or major lease action having a significant socioeconomic impact on a community.

(b) HUD shall advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, after a site has been selected for a federally constructed building or a lease executed for space and shall assist in

increasing the availability of such housing through its own programs.

(c) The text of the HUD-GSA agreement is located at § 101-19.4801.

#### § 101-19.101-3 Consultation with HUD.

(a) In the initial selection of a city or delineation of a general area for location of public buildings or leased buildings, GSA will provide the earliest possible notice to HUD of information with respect to such decisions. Regional offices of HUD, as identified by the Secretary of Housing and Urban Development, and local planning and housing authorities will be consulted concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located during the project development investigation.

(b) Regional office representatives of HUD, as designated by the Secretary of Housing and Urban Development, will participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation.

(c) The HUD Regional Administrator will transmit to the Regional Commissioner, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds; i.e., supply of low- and moderate-income housing on a non-discriminatory basis, non-discrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(d) The following actions are subject to the provisions of the HUD/GSA Memorandum of Understanding:

(1) All project development investigations.

(2) Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- and moderate-income employees are expected to be employed in the new building.

(3) GSA requests HUD review in actions of special importance not covered by paragraph (d)(2) of this section.

(e) The Regional Commissioner, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in paragraph (c) of this section, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by the HUD Regional Administrator and agree on the time required to properly present HUD's view.

(f) GSA will provide a written explanation when, after headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in paragraph (c) of this section, in accordance with the HUD-GSA Memorandum of Understanding.

**§ 101-19.101-4 Affirmative action plan.**

(a) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD-GSA Memorandum of Understanding, and will include the following points:

(1) The corrective actions specified by HUD under § 101-19.101-3(c).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the affirmative action plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(b) The contents of the Affirmative Action Plan will be made public after the site selection decision has been made by GSA.

(c) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of non-compliance, HUD and GSA shall undertake appropriate action to secure compliance. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing when such obstacles exist and to take effective steps to insure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist personnel to obtain such housing. As part of any plan, during as well as after its development, HUD will give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.