



## City of Houston Title VI Subrecipient Reviews

### COMPLIANCE REVIEW PROCESS

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The City of Houston (COH) passes federal aid received from various federal organizations to local government agencies, non-profit agencies, and private entities to carry out authorized programs and activities. Agencies and entities receiving federal aid, referred to as “subrecipients,” must comply with regulatory requirements enacted to ensure compliance with Title VI of the Civil Rights Act of 1964 and related legal authorities.

As part of its oversight responsibilities and in accordance with 23 CFR § 200.9(b)(7), the City of Houston conducts periodic reviews of subrecipients to monitor Title VI compliance. These reviews ensure Title VI compliance and an opportunity to provide technical assistance to subrecipients. Subrecipients may include, but are not limited to, cities, counties, consultants, non-construction contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal financial assistance.

COH reserves the right to conduct a review of any subrecipient. However, generally subrecipients will be selected based on a number of factors including:

- Pre-existing areas of deficiency in its Title VI Program.
- Receipt of a Title VI complaint involving the subrecipient.
- Feedback from the local community.
- Amount of federal funding.

COH will conduct reviews every 2-3 years and will also determine the need for more in-depth subrecipient reviews.

The following process is followed when subrecipients are selected for review:

- [1] **Notification.** The subrecipient receives a notification letter and/or email stating it has been selected for review. The notification includes an itemized list of information and documentation to be submitted to the COH within thirty (30) calendar days.
- [2] **Desk Audit.** COH’s Title VI Coordinator reviews material submitted by subrecipient. The Title VI Coordinator prepares an initial report of findings, including deficiencies requiring corrective action and non-mandatory recommendations to strengthen the subrecipient’s Title VI Program.
- [3] **On-Site Review & Interview.** Depending on the findings of the desk audit, a request for an on-site review may be made, including inspection of the subrecipient’s facilities and interview(s) with relevant personnel. If an on-site review is necessary, the subrecipient will be notified via email and/or certified mail within 15 calendar days of the acceptance date of all necessary documents.
- [4] **Compliance Review Report.** COH will issue a Compliance Review Report within 15 calendar days following the completion of an on-site review. If no on-site review is conducted, COH will issue a Compliance Review Report to the subrecipient within 15 calendar days of the acceptance date of all necessary documents. The Compliance Review Report will detail any identified deficiencies in the subrecipient’s Title VI Program and include a proposed Corrective Action Plan.
- [5] **Corrective Action Review Meeting.** COH’s Title VI Coordinator will schedule a meeting with subrecipient to review the final report and proposed Corrective Action Plan. Subrecipient will have an opportunity to provide input regarding the proposed timeline for corrective action. The subrecipient must complete all proposed corrective actions within 90 calendar days of the Corrective Action Review Meeting.
- [6] **Follow-Up Monitoring.** COH will determine whether any follow-up monitoring is necessary to ensure ongoing compliance with Title VI compliance.
- [7] **Training.** COH’s Title VI Coordinator is available to conduct training on an as needed basis or when requested by subrecipients on the requirements for compliance with Title VI.

## HELPFUL TITLE VI PROGRAM INFORMATION FOR SUBRECIPIENTS

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The COH's Title VI Program is governed by several legal and regulatory authorities that include but are not limited to the list below.

Legal/Regulatory Authority	Summary of Authority
<a href="#">Title VI of the Civil Rights Act of 1964</a> , 42 U.S.C. § 2000d <i>et seq.</i>	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
<a href="#">Federal-Aid Highway Act of 1973</a> , 23 U.S.C. § 324 <i>et seq.</i>	Prohibits discrimination on the basis of sex in programs and activities receiving federal financial assistance.
<a href="#">Age Discrimination Act of 1975</a> , 42 U.S.C. § 6101 <i>et seq.</i>	Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
<a href="#">Section 504 of the Rehabilitation Act of 1973</a> , 29 U.S.C. § 794 <i>et seq.</i>	Prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.
<a href="#">Uniform Relocation Act of 1970</a> , 42 U.S.C. § 4601 <i>et seq.</i>	Requires fair treatment of persons displaced by federal-aid programs and projects.
<a href="#">49 C.F.R. Part 21</a>	Nondiscrimination in Federally Assisted Programs of the Department of Transportation.
<a href="#">23 C.F.R. Part 200</a>	Title VI Program and Related Statues – Implementation and Review Procedures.
<a href="#">Federal Aviation Administration's Nondiscrimination Statute</a> 49 U.S.C. § 47123	Prohibits recipients of FAA financial assistance from engaging in discrimination based on race, color, national origin, and sex.

## TITLE VI PROGRAM CHECKLIST FOR SUBRECIPIENTS

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Every three years, on a date determined by the respective federal funding sources, the City of Houston (COH), as a recipient of federal financial assistance, is required to submit information that assesses its compliance with the Title VI Act of 1964. Subrecipients of financial aid are also required to submit information to the COH, as their primary recipient that receives federal funds directly, assessing its compliance with the Title VI Program, on a schedule to be determined by the COH.

To ensure compliance with the requirements of Title VI, it is imperative that subrecipients implement a system of policies, procedures, and actions prohibiting discrimination on the basis of race, color, national origin, sex, age, creed, or disability. A critical element of the compliance monitoring and review process is documentation. COH requires that policy decisions, data analysis/collections, compliance actions, compliance procedures, and notable outcomes be documented.

To assist subrecipients in preparation for the monitoring and review of their compliance with the Title VI Program, COH provides the following information for guidance. Policies, procedures and actions prohibiting discrimination should, at a minimum, include:

- A Title VI Plan. Develop and maintain a Title VI Plan explaining how the agency complies and implements Title VI throughout its programs and activities.
- A Title VI/Nondiscrimination Policy Statement. This commits the agency to nondiscrimination in its programs, services, and activities.
- A Public Notice of Rights Under Title VI. This notice informs members of the general public of the protections against discrimination afforded them by Title VI. A list of locations where the notice is posted should also be included.
- A Title VI Coordinator. Appointment of a Title VI Coordinator/Nondiscrimination Coordinator to conduct the agency's Title VI responsibilities and oversight. The Title VI Coordinator must have sufficient authority and access to the head of the agency to ensure compliance. Contact information for the Title VI Coordinator must also be provided.
- Title VI/Nondiscrimination Assurances. US DOT Standard Title VI Assurances signed by the head of the agency at least once every three years or within ninety (90) days of the accession of a new head of agency.
- A Title VI Complaint Process. Must outline procedures for processing and tracking Title VI discrimination complaints and the necessary complaint form.
- Evidence of Title VI training provided and/or received.
- A collection of analysis of data to ensure nondiscrimination in programs and activities. Develop and implement procedures for collection of statistical data (race, color, religion, sex, national origin, income, disability, etc.) of participants in, and beneficiaries of, the agency's programs and activities.
- A nondiscrimination in the public participation process. Process to ensure public engagement activities are accessible and do not discriminate based on race, color, national origin, sex, disability, or low-income status.
- Inclusion of necessary Title VI/Nondiscrimination Assurance language from the Title VI Assurances in contracts and solicitations.

COH also recommends that subrecipients create and regularly update a Title VI Annual Goals and Accomplishment Report to identify Title VI goals for the upcoming year and accomplishments for the prior year.