



EOLEC MAY 21 2013 11 15 AM

## COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA  
COUNTY ATTORNEY

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

May 20, 2013

Hon. Betty Jean Grant, Chair  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Minority & Women Business Enterprise Committee**  
**Our File No.: 14-20130001**

Dear Chairwoman Grant:

I am writing in response to the question posed by the Minority & Women Business Enterprise Legislative Committee concerning whether Section 3 and Title VI apply to the County.

The Housing and Urban Development Act of 1968 includes a provision commonly referred to as Section 3 which is aimed at ensuring "that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing." 12 U.S.C. 1701u(a)(1) (2006). Similarly, the purpose of Title VI of the Civil Rights Act of 1964 prohibits "discrimination on the ground of race, color or national origin in programs receiving Federal financial assistance of the type subject to Title VI." 28 C.F.R. §42.401 (1988).

The County is required to meet Title VI and Section 3 standards when the requirements are set forth in a contract or grant under which the County receives funding from the U.S. Department of Housing and Urban Development ("HUD") or a Federal agency providing funding pursuant to Title VI. These provisions are not applicable if there are no Federal funds involved. The provisions are enforced by the Federal agency that provides the funding.

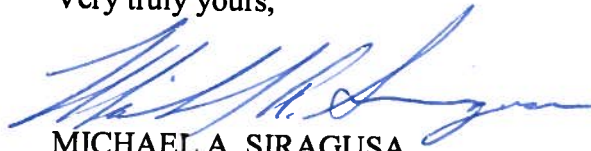
May 20, 2013

Page 2

The Federal agency providing the funding oversees whether the Title VI and Section 3 requirements are being met. Section 3 provides that the Secretary of HUD shall require Section 3 provisions to be met. See 12 U.S.C. 1701u (2006), et seq. In addition, it is well established that "[p]rimary responsibility for prompt and vigorous enforcement of Title VI rests with the head of each department and agency administering programs of Federal financial assistance." 28 C.F.R. §50.3(b) (2011). As such, the appropriate Federal agency, whether it be HUD or another Federal agency that provides Federal funding, would oversee the County's compliance with Title VI or Section 3.

Please feel free to contact me if you have any questions.

Very truly yours,



MICHAEL A. SIRAGUSA  
Erie County Attorney

MAS/dkw