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July 19, 2013

Steven L. Mahan, Director
Community Development Grants Administration
City Hall, Room 600
200 East Wells Street
Milwaukee, Wisconsin 53202

Re: Milwaukee Promise/Black Male Achievement – Nondiscrimination
Provisions of the Housing and Community Development Act of 1974

Dear Mr. Mahan:

You requested our advice with respect to recent action by the Community and Economic Development Committee to create a category of Community Development Block Grant funding allocated to "Milwaukee Promise/ Black Male Achievement." We understand that the goal of this funding category is to address issues of unemployment and under-employment of African-American men in the City of Milwaukee.

The use of Community Development Block Grant Funds are subject to the nondiscrimination provisions of Section 109 of the Housing and Community Development Act of 1974 , 42 U.S.C. section 5309, which provides that:

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter.

The regulations implementing the statute specifically state that "no person in the United States shall, on the ground of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal financial assistance." 24 CFR section 6.1.

The regulation applies to "any program or activity funded in whole or in part with funds under title I of the Housing and Community Development Act of 1974, including Community Development Block Grants--Entitlement, State and HUD-Administered

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Small Cities, and Section 108 Loan Guarantees; Urban Development Action Grants; Economic Development Initiative Grants; and Special Purpose Grants.”


The only stated exceptions to the prohibition on racial discrimination pertain to certain grants related to the Hawaiian Homelands (42 U.S.C. 5309) and the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101). 24 CFR section 6.2(b) and (c).

A program limited to African-American men will not comply with the prohibitions against discrimination based on race and sex in section 109 of the Housing and Community Development Act of 1974

Very truly yours,



GRANT E. LANGLEY
City Attorney



ELLEN H. TANGEN
Assistant City Attorney

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