

City of Decatur, Indiana

Title VI Implementation Plan

February 2016



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City of Decatur Title VI Policy Statement

The City of Decatur, Indiana (Decatur) is committed to a policy of inclusiveness, fairness, and accessibility of its programs, activities and services to all persons in Decatur. As provided by Title VI of the Civil Rights Act of 1964 and all related statutes, Decatur assures that no person shall on the grounds of race, color, national origin, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City of Decatur program, activity or service. The City of Decatur further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the City of Decatur distributes Federal aid funds to another entity, the City of Decatur will include Title VI language in all written agreements.

Definition of Federal Finance Assistance and Recipients Affected

Federal financial assistance is defined as any Federal dollars that are assigned to the City of Decatur to supply any program, activity or service by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited


City of Decatur efforts to prevent discrimination are, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infra-structure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

Title VI Coordinator and Complaint Process

The Title VI Coordinator for the City of Decatur shall be the same person as its ADA Coordinator. Title VI Complaints shall be processed in the same manner and under the same rules as those established for Decatur's ADA compliance program.

Approved and signed this 2 day of March, 2016.


Kenneth L. Meyer, Mayor

Title VI Notice

It is the policy of the City of Decatur, Indiana that qualified individuals with disabilities are not excluded from the participation in or benefit from the services, programs, or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation, job training, and other terms, conditions and privileges of employment. It is the intent of the City of Decatur to comply with all applicable requirements of the Americans with Disabilities Act (ADA) and Title VI.

The City of Decatur adheres to equality in access as expressed by the Title VI of the Civil Rights Act of 1964.

If you believe you are a victim of discrimination in City programs, activities or services, please contact:

Jeremy S. Gilbert
ADA/Title VI Coordinator
172 N. 2nd Street
Decatur, Indiana 46733
(260) 724-3356

City of Decatur Title VI Assurances

The City of Decatur (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C 2000d-4 (hereinafter, referred to as the Act), and all requirements imposed by or pursuant to title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a)(1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to , the Regulations.
2. That he Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The recipient in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact

entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national orientation, gender identify, age, disability/handicap, religion and/or low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient received Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case he assurance obligates the Recipient or any transferee for the longer of the following periods; (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signature appear below are authorized to sign this assurance on behalf of the Recipient.



Jeremy S. Gilbert

Operations Manager/Superintendent

City of Decatur, Indiana



Date

Facilities and Program Areas

In 2011, the City of Decatur completed a review of all curb ramps and sidewalks City wide. A detailed plan of needed improvements were recorded and presented to Decatur City Council and Board of Public Works. From there, we established a plan to remove barriers annually as funds are available.

Annually, the City Parks are inspected to identify areas of noncompliance.

In 2012, the City of Decatur purchased a chair lift to aid in getting into the City pool.

Review and Evaluation Process

The City of Decatur staff performs periodic review of facilities and programs for compliance. In January of each year, the Board of Public Works and Safety holds a public meeting and meets with the ADA/Title VI coordinator to review the City's efforts to comply with ADA/Title VI and to implement the foregoing plan. Progress shall be noted and the plan be evaluated for the purpose of determining the effectiveness. To date, we have only had 3 requests for curb ramp modifications. Those areas were corrected.

Reporting

The City of Decatur has a reporting/complaint process procedure in which an individual may file a complaint of discrimination with the City of Decatur through the ADA/Title VI Coordinator. This form is available on the City's website. All claims will be reviewed in a timely manner and corrections will be recommended to the Decatur Board of Public Works and Safety.

Sub Recipient Monitoring

Local Public Agency (LPA) sub recipient monitoring begins with the Annual Pre-Award and Assurance Survey. The Pre-Award Certification and Assurance is a self-reporting tool accessible online via the following link: <https://itap.indot.in.gov/>. The purpose of the annual Pre-Award Certification and Assurances is to monitor LPA compliance with the civil rights laws on an ongoing basis. The Annual Pre-Award Certification and Assurance is an online survey that the LPA completes each year. Metropolitan Planning Organizations (MPOS) and other public sub recipients may be asked to take a similar survey or provide assurances by INDOT.

The LPA annual Pre-Award Certification and assurances outlines the basic requirements in ensure nondiscrimination in LPS transportation projects and is now used by many such as INDOT to determine funding eligibility. An LPA or MPO must be Title VI and ADA compliant to be eligible to receive federal funds. INDOT is responsible for monitoring sub recipients to ensure compliance.

City of Decatur Complaint Procedure

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973. Americas with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of the City of Decatur to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any department head. The complaint should be submitted within 180 days of the alleged discrimination.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Complaints should be directed to:

Jeremy S. Gilbert

172 N. 2nd Street

Decatur, IN 46733

(260) 724-3356

jgilbert@decaturin.org

Within 60 days of the receipt of the complaint, the City will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation
Economic Opportunity Division
100 N. Senate, Room N750
Indianapolis, IN 46204
Phone: (317) 233-6511
Fax: (317) 233-0891

Indianapolis District EEOC Office
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (800) 669-4000
Fax: (317) 226-7953
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission
100 N. Senate Ave., Room N103
Indianapolis, IN 46204
Toll Free: 1 (800) 628-2909
Phone: (317) 232-2600
Fax: (317) 232-6560
Hearing Impaired: 1 (800) 743-3336

ADA AND TITLE VI COMPLAINT/GRIEVANCE FORM, CITY OF DECATUR, INDIANA

Today's Date: _____

Complainant: _____

Address: _____

City, State, Zip: _____

Individual Discriminated Against: _____
(If Different from Complainant)

Address: _____

City, State, Zip: _____

Telephone and E-mail: _____

Alleged Violation: Date(s) & Approximate Time of Occurrence:

Detailed Description of Violation and City Department Involved: _____

Requested Action by City to Correct Violation: _____

Has Complaint been filed with State or Federal Agency: _____ Yes _____ No

Name of Agency: _____ **Date Filed** _____

Contact Person: _____

Signature: _____

If there are witnesses, please list names and addresses separately.

City of Decatur
172 North Second Street
Decatur, IN 46733
Tel (260) 724-7171
kmeyer@decaturin.org



Kenneth L. Meyer, Mayor

**NOTICE OF NONDISCRIMINATION UNDER
THE AMERICANS WITH DISABILITIES ACT AND
SECTION 504 OF THE REHABILITATION ACT OF 1973**

Pursuant to Title II of the Americans with Disabilities Act as amended (ADA) of 1990 (42 U.S.C. 12101 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. 794) and implementing regulations found in 28 CFR 35 and 49 CFR 27, the City of Decatur does not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services or activities.

Upon request, the City of Decatur will use its best efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities so that they have an equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as provided to others. These efforts ^{may} include providing qualified sign language interpreters, Brailled documents, and other products and services to make communications accessible to individuals with speech, hearing and vision impairments.

Upon request, the City of Decatur will make reasonable modifications to policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its programs and activities. The City of Decatur is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City of Decatur will not place a surcharge on qualified individuals with disabilities to cover the cost of providing auxiliary aids, services or reasonable modifications of policies.

Inquiries or complaints regarding Section 504 or the ADA should be directed to Jeremy S. Gilbert, ADA Coordinator, 172 N. 2nd Street, Decatur, IN 46733, (260) 724-3356, jgilbert@decaturin.org. The City of Decatur will investigate all complaints in accordance with the City of Decatur's Title VI complaint process, which is also used for ADA complaints, and promptly take any remedial action deemed necessary to provide an equitable resolution to overcome the effects of a substantiated violation.

Kenneth L. Meyer
Mayor, City of Decatur

3/2/2016

Date

Notice of Availability of ADA/ Title VI Self-Evaluation and Transition Plan

The City of Decatur has conducted a Self-Evaluation of all City-owned facilities and programs for compliance with the Americans with Disabilities Act (ADA) and prepared a draft transition plan describing the results of the self-evaluation. ADA requires each of the Cities services, programs, and activities be readily accessible and usable by all individuals with disabilities.

Copies of the Self-Evaluation and Transition Plan are available for public review at the following locations

- City of Decatur Public Works Office 809 West Elm
- City of Decatur City Hall 172 North 2nd
- Adams Public library
- Adams County Service Complex 313 West Jefferson
- City of Decatur Website

Comments can be submitted in writing, in person, or by emailing Jeremy S. Gilbert at jgilbert@decaturin.org or at 809 West Elm Street Decatur Indiana 46733.

City of Decatur City Council/Board of Public Works and Safety will review all claims as needed and will also perform an annual review and update of the program each January at our regular scheduled meeting.

Upon request the City of Decatur will provide written materials in appropriate alternative formats, or disability-related modification or accommodations, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 3 business days prior to the meeting.

ADA/TITLE VI Complaint Log

2011

No complaints were filed with the City of Decatur.

2012

The City of Decatur received a complaint from a resident about curb ramps along Adams Street from 5th Street to 2nd Street that was causing this person difficulty in traveling in their wheel chair. Jeremy Gilbert visited the area and determined that improvements were needed and the improvements were completed within 3 weeks.

2013

No complaints were filed with the City of Decatur.

2014

The City of Decatur received one complaint from a resident on N. 2nd Street regarding a curb ramp that needed repaired. A contractor was hired and the repairs were made.

2015

The City of Decatur received a complaint from one person regarding poor sidewalk conditions in front of the person's house. Jeremy Gilbert visited the area and determined that the sidewalk and curb ramp needed replaced. The repairs were made within 2 weeks of the issue being reported.

ADA and Title VI Continued Education Training Attendance Logs

The City of Decatur is committed to continued education. The City of Decatur attends INDOT sponsored trainings on updates regarding ADA and Title VI to further educate our employees and the public.

Jeremy Gilbert, City of Decatur Operations Manager, and Nathan Heyerly, Street Department employee, have attended the annual Purdue Road School the last few years and participate in continuing education regarding the ever changing ADA, Title VI policies and procedures.

Jeremy Gilbert, City of Decatur Operations Manager, and Nate Rumschlag, City Engineer, attended the Title VI training hosted at the INDOT Fort Wayne District in the fall of 2015.

In March 2016, the City of Decatur is sending 4 employees to the Purdue Road School for continued education regarding ADA and Title VI policies and procedures.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- ① **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- ② **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- ③ **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income.
- ④ **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- ⑤ **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- ⑥ **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto .

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the City of Decatur, as authorized by law, and upon the condition that the City of Decatur will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Decatur all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Decatur and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the City of Decatur its successors and assigns.

The City of Decatur, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, or national origin, sex, sexual orientation, gender identify, age, and disability/handicap, and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed, and (2) that the City of Decatur shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the City of Decatur shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the City of Decatur and its assigns as such interest existed prior to this instruction.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Decatur pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, disability/handicap, and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the City of Decatur shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of Decatur and its assigns.

• Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

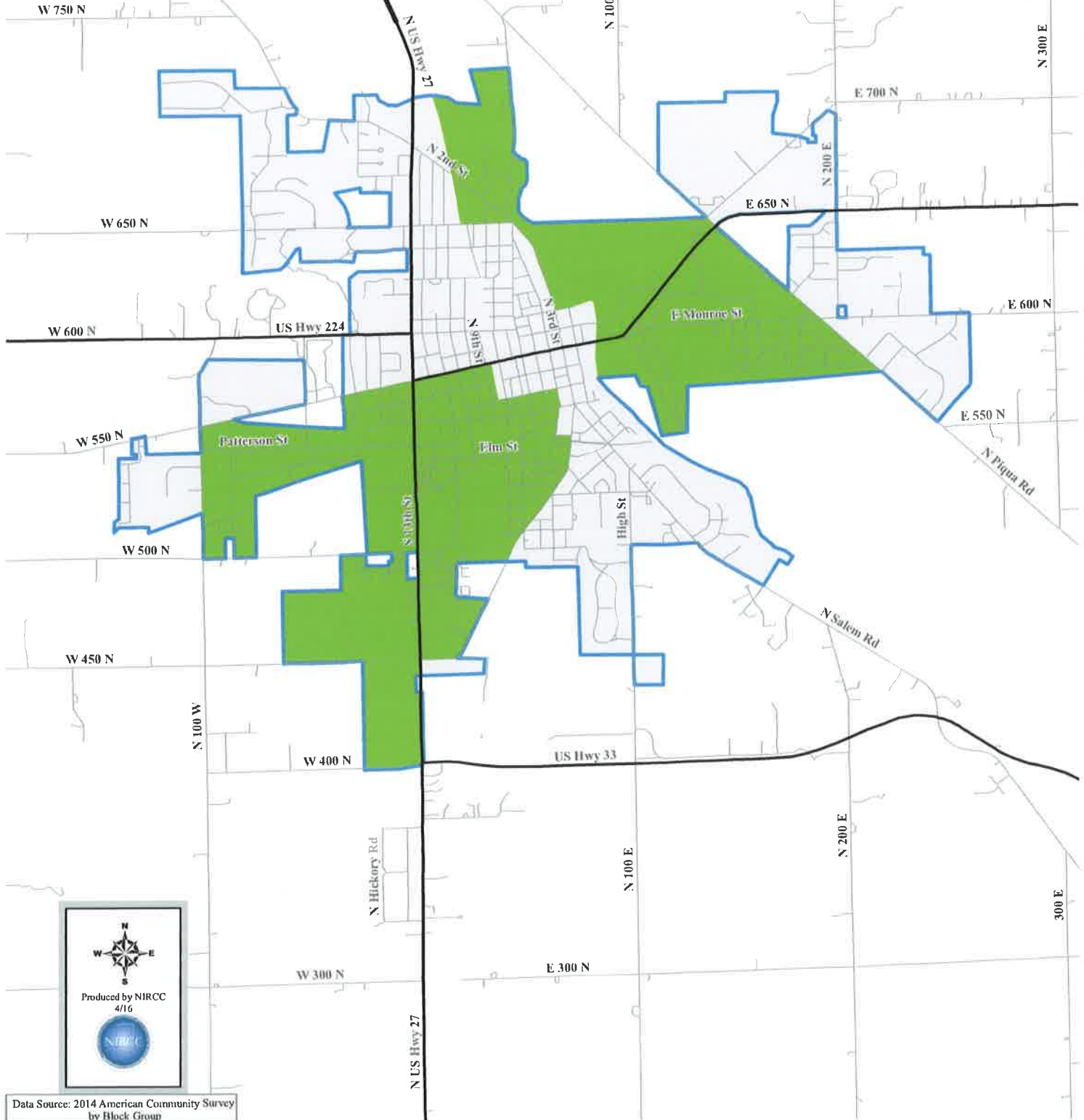
**Decatur, IN
Population Living in Poverty**

Decatur Average = 17.74%

- 0.00 - 17.74
- 17.741 - 20.00
- 20.01 - 40.00
- 40.01 - 70.00
- 70.01 - 100.00

Other Map Features

- City/Town Boundaries
- Streets



Produced by NIRCC
4/16





Data Source: 2014 American Community Survey
by Block Group

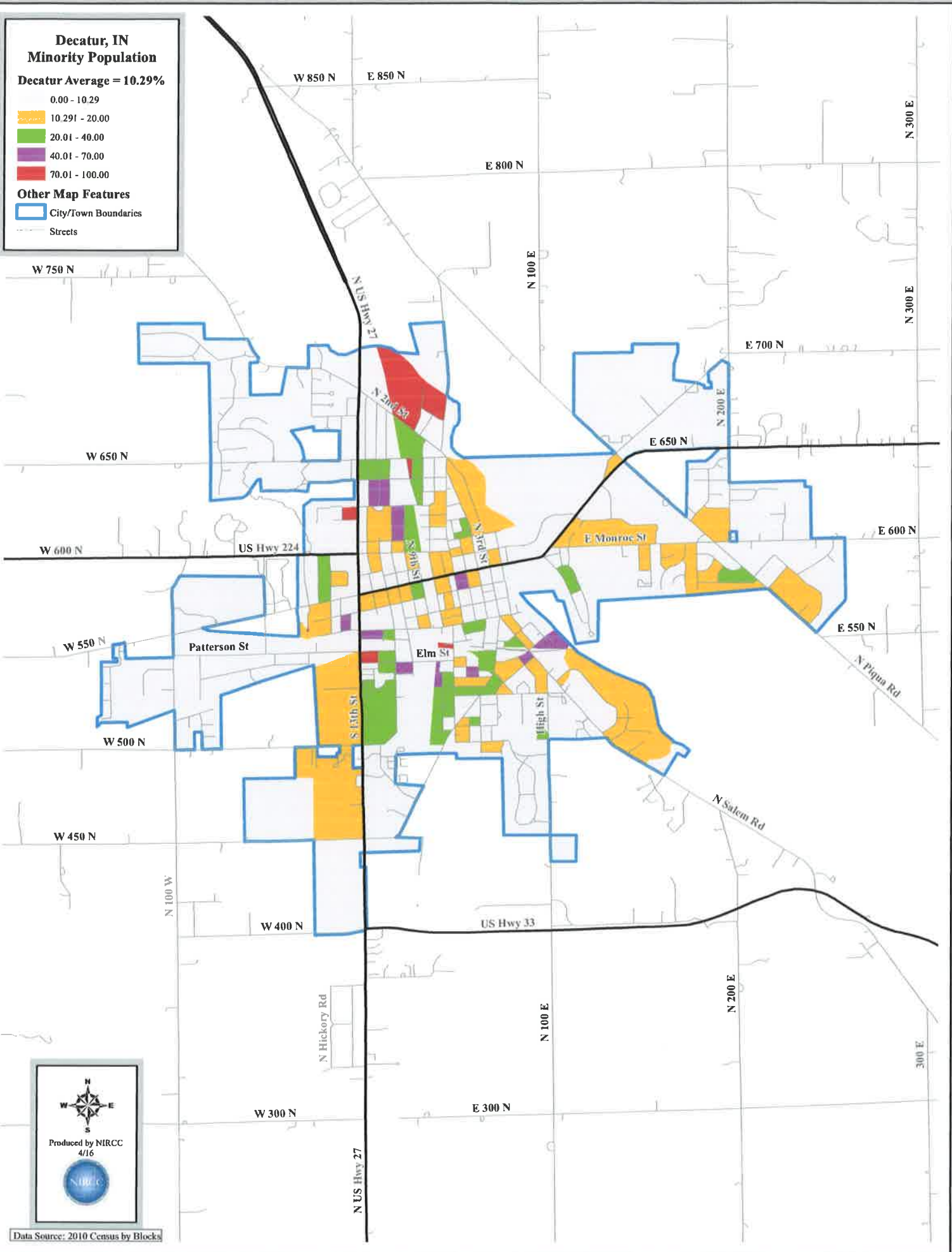
**Decatur, IN
Minority Population**

Decatur Average = 10.29%

- 0.00 - 10.29
- 10.291 - 20.00
- 20.01 - 40.00
- 40.01 - 70.00
- 70.01 - 100.00

Other Map Features

-  City/Town Boundaries
-  Streets





Data Source: 2010 Census by Blocks

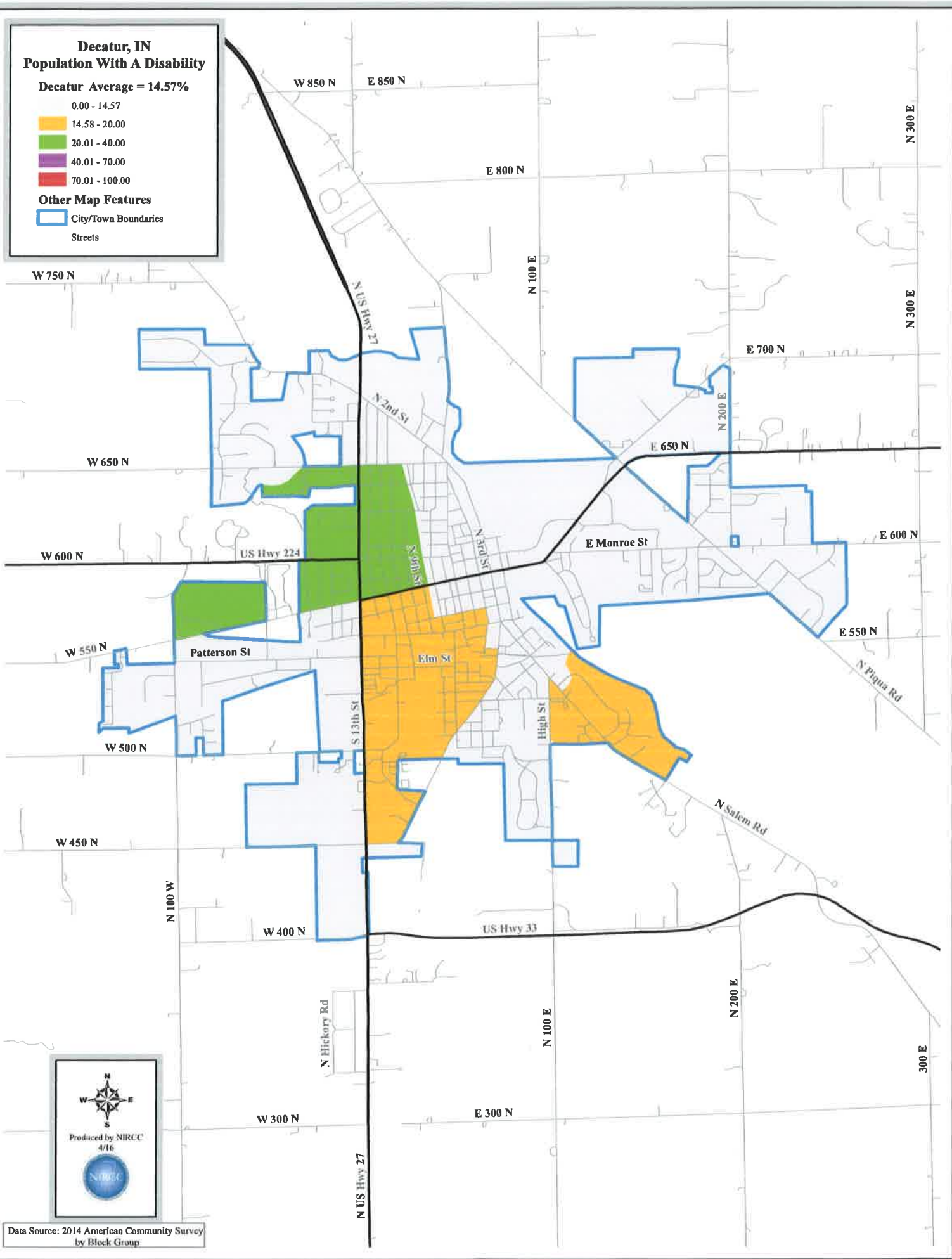
**Decatur, IN
Population With A Disability**

Decatur Average = 14.57%

- 0.00 - 14.57
- 14.58 - 20.00
- 20.01 - 40.00
- 40.01 - 70.00
- 70.01 - 100.00

Other Map Features

-  City/Town Boundaries
-  Streets



Produced by NIRCC
4/16



Data Source: 2014 American Community Survey
by Block Group

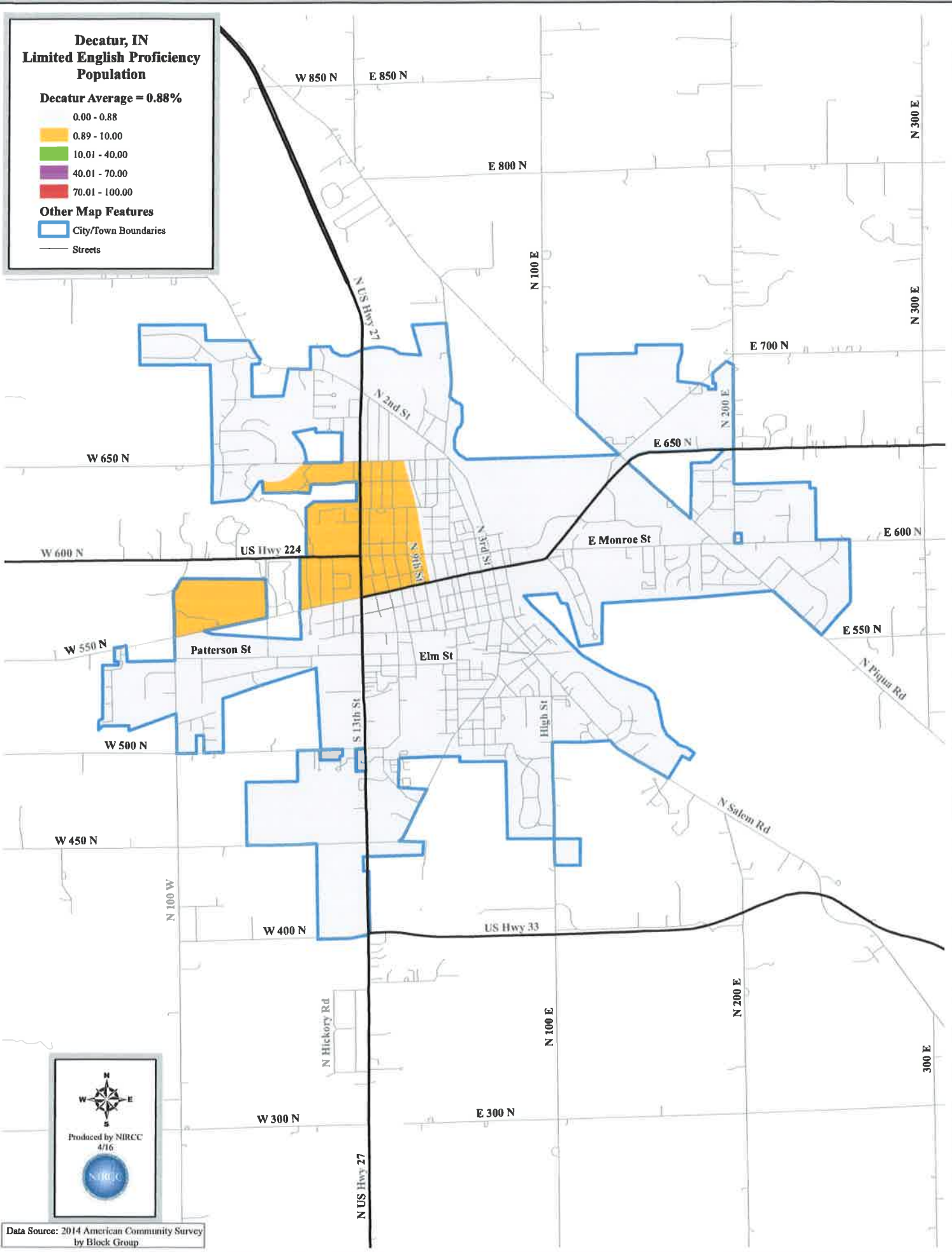
**Decatur, IN
Limited English Proficiency
Population**

Decatur Average = 0.88%

- 0.00 - 0.88
- 0.89 - 10.00
- 10.01 - 40.00
- 40.01 - 70.00
- 70.01 - 100.00

Other Map Features

-  City/Town Boundaries
-  Streets



Produced by NIRCC
4/16



Data Source: 2014 American Community Survey
by Block Group

ORDINANCE NO. 2009 - 8

SHORT TITLE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, WHICH PROHIBITS HOUSING DISCRIMINATION WITHIN THE CITY OF DECATUR, INDIANA

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the housing and Community Development Act of 1974, as amended, and Indiana Code 22-9-.5-1, et. seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, AS FOLLOWS:

Section 1. Policy Statement

It shall be the policy of the City of Decatur, Indiana to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

Section 2. Definitions

The definitions set forth in this Section shall apply throughout this Ordinance:

- A. "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section.

- C. "Person" (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- D. "To Rent" (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- E. "Discriminatory Housing Practice" means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this Ordinance or I.C. 22-9.5-5.
- F. "Handicap" means, with respect to a person:
1. a physical or mental impairment, which substantially limits one or more of such person's major life activities;
 2. a record of having such an impairment, or;
 3. being regarded as having such an impairment;
 4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990;
 5. any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of title 21 of the United States Code (I.C. 22-9.5-2-10(b); nor does the term "handicap" include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c).

- G. "Aggrieved Person" includes any person who (I.C. 22-9.5-2-2);
1. claims to have been injured by a discriminatory housing practice; or
 2. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- H. "Familial Status" means one or more individuals who have not attained the age of 18 years being domiciled with:
1. a parent or another person having legal custody of such individual or the written permission of such parent or other person;

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- I. "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- J. "Complainant" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

Section 3. Unlawful Practice

Subject to the provisions of subsection (b) of this Section, Section 9 of this Ordinance and title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this ordinance shall apply to:

- A. All dwellings except as exempted by subsection (B) and title 22-9.5-3 of Indiana Code.
- B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:
 - 1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be excepted from application of this section only if such house is sold or rented;
 - a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4 (c) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents,

abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:
1. the person has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. the person has, within the preceding twelve (12) months, participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein or;
 3. the person is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 4. Discrimination in the Sale or Rental of Housing.

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. 1. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
- a. that buyer or renter;
 - b. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. any person associated with that person.
2. To discriminate against any person in the terms conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
- a. that person; or
 - b. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. any person associated with that person.
3. For purposes of this subsection, discrimination includes:
- a. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

- b. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - c. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;
 - i. public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - ii. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - iii. all premises within such dwellings contain the following features of adaptive design;
 - 1. an accessible route into and through the dwelling;
 - 2. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - 3. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.
4. Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited "ANSIA117.1") suffices to satisfy the requirements of paragraph (3) (C)(iii).
5. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

Section 5. Discrimination in Residential Real Estate-Related Transactions

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because

of race, color, religion, sex, handicap, familial status, or national origin.

B. As used in this section, the term “residential real estate-related transaction” means any of the following:

1. The making or purchasing of loans or providing other financial assistance:

a. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

b. secured by residential real estate;

2. The selling, brokering, or appraising of residential real property.

C. Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 6. Discrimination in the Provision of Brokerage Service

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 7. Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encourage any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this ordinance.

Section 8. Prevention of Intimidation in Fair Housing Cases

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiation for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(A); or
 - 2. affording another person or class of persons opportunity or protection so to participate; or
- C. any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Section 9. Exemptions

- A. Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this Section.
- B. Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns

or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

- C. 1. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons.
- 2. As used in this Section “housing for older persons” means housing:
 - a. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 - b. intended for, and solely occupied by, person 62 years of age or older; or
 - c. intended and operated for occupancy by at least one person 55 years of age or older per unit.

Section 10. Administrative Enforcement of Ordinance

- A. The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Mayor of the City of Decatur, Indiana.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the City of Decatur, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of the Indiana Code. The Mayor of the City of Decatur, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the City of Decatur, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Mayor and the Commission to further such purposes.

- D. The Mayor of the City of Decatur, Indiana, or the Mayor's designees, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 11. Separability of Provisions.

If any provisions of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.


Section 12 Effective Date.

This Ordinance shall be effective upon its adoption and publication as required by law.

DULY PASSED, ADOPTED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, ON THIS 25TH DAY OF AUGUST, 2009.



John L. Schultz, Mayor
City of Decatur, Indiana

ATTEST: 


Phyllis J. Whitright, Clerk-Treasurer
City of Decatur, Indiana

PRESENTED to the Mayor of the City of Decatur for approval on this 25th day of August, 2009.



Phyllis J. Whitright, Clerk-Treasurer

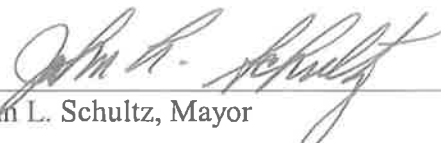
APPROVED by me, Mayor of the City of Decatur, Indiana, on this 25TH day of AUGUST, 2009.



John L. Schultz, Mayor
City of Decatur, Indiana


CERTIFICATION OF ADOPTION

It is hereby certified that this Ordinance No. 2009 - 8 was adopted by the Common Council of the City of Decatur, Indiana, at its legally convened meeting held on the 25th day of August, 2009, and that this Ordinance remains in full force and effect, all of which is certified on this 25th day of August, 2009.



John L. Schultz, Mayor

ATTEST:



Phyllis J. Whitright
Clerk-Treasurer