



URBANA HOME CONSORTIUM

AFFIRMATIVE MARKETING PROCEDURES

HOME Investment Partnership Program



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**Urbana HOME Consortium
Affirmative Marketing Procedures**

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AFFIRMATIVE MARKETING PROCEDURES

OVERVIEW OF AFFIRMATIVE MARKETING

The HOME Final Rule (24 CFR 92.351(a)) requires Participating Jurisdictions (PJs) to develop, adopt, and follow written affirmative marketing procedures and requirements, for rental and homebuyer projects containing five or more HOME-assisted housing units, regardless of the specific activity the HOME funds will finance (e.g. acquisition, rehabilitation, and/or new construction). Affirmative marketing requirements and procedures also apply to all HOME-funded programs (e.g. homeowner rehabilitation, homebuyer assistance, and tenant-based rental assistance (TBRA)). The PJ, its subrecipients, and project owners it funds must implement the written affirmative marketing procedures for the program or project.

The objective of affirmative marketing is to ensure that PJs, subrecipients, and project owners design and employ marketing plans that promote fair housing by ensuring outreach to all potentially eligible households, especially those least likely to apply for assistance. Affirmative marketing consists of actions to provide information and otherwise attract eligible persons to available housing without regard to race, color, national origin, religion, familial status (persons with children under 18 years of age, including pregnant women), disability, or sex; including gender identity and sexual orientation.

The affirmative marketing requirements also apply to projects targeted to persons with special needs. If a PJ's written agreement with a project owner permits a rental housing project to limit tenant eligibility or to have a tenant preference in accordance with 24 CFR 92.253(d)(3), the PJ must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

To further the commitment to nondiscrimination and equal opportunity in housing, and in accordance with the regulations of the HOME Investment Partnerships Program (HOME), the City of Urbana as lead entity for the Urbana HOME Consortium has established procedures to affirmatively market HOME-assisted housing units. The Consortium is committed to meeting the goals of affirmative marketing in furtherance of our fair housing objectives.

As part of this commitment, the City of Urbana, as lead entity for the Urbana HOME Consortium, requires HOME subrecipients, including Community Housing Development Organizations (CHDOs), Developers, and other subrecipients of HOME Program funds to comply with the affirmative marketing requirements. Subrecipients administering HOME funds must adopt policies and procedures that inform the public, potential tenants, homebuyers, homeowners, and rental property owners of their program through an Affirmative Marketing Plan.

An Affirmative Marketing Plan and affirmative marketing procedures are required for subrecipients of HOME funds. Affirmative marketing procedures must continue throughout the length of the program, including the period of affordability. For homebuyer assistance and homeowner rehabilitation, the plan remains in effect until HOME-funded activities are completed. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold.

Affirmative marketing should be an integral part of any project’s overall marketing effort. Affirmative marketing typically consists of efforts to inform persons that are “least likely to apply” or under-represented in a neighborhood or community about opportunities for housing under the HOME program. Through the Plan, a subgrantee indicates what special efforts the subgrantee will make to attract racial, ethnic, and other groups or communities who might not normally seek housing assistance.

Affirmative marketing does not limit choices; choices are expanded to include those that might not otherwise be considered because of past discrimination. Increasingly, communities which make a long-term commitment to racial and ethnic diversity have found their efforts rewarded by increasing property values. Affirmative marketing adds little to the cost of a project. Most of the cost associated with affirmative marketing is already reflected in the project’s broader marketing budget.

The affirmative marketing procedures must describe specific steps that must be taken to ensure applicants who are unlikely to apply for housing without special outreach have equal access to housing opportunities generated by the use of HOME Program funds.

The Affirmative Marketing Procedures is documented and maintained in the City of Urbana’s Community Development Services Department, Grants Management Division, and shall be included in all HOME project agreements. Housing developers and providers are held to the terms of the Affirmative Marketing Plan by the requirements in the applicable HOME agreement.

1. METHODS AND PRACTICES FOR INFORMING THE PUBLIC, SUBRECIPIENTS, OWNERS, AND POTENTIAL TENANTS

The City of Urbana is the lead entity for the Urbana HOME Consortium and, through the Community Development Services Department/Grants Management Division (GMD), it will ensure that the public, subrecipients, owners, and potential tenants are made aware of relevant federal fair housing laws and the City of Urbana’s affirmative marketing procedures.

The City of Urbana will make it available to view on the City’s website, along with having copies available to the public at the Community Development Services Dept.

- A. GMD shall inform the community about its AMP by making it available for viewing on the City’s website along with having copies available to the public at the GMD office.
- B. GMD will make use of the Equal Housing Opportunity logotype on any housing related brochure, website page, press release, and/or other written communication. GMD will display fair housing posters within its office and in the City Hall atrium/entrance.
- C. In partnership with the City of Urbana Human Relations Officer and Human Relations Commission, GMD will continue its practice of providing general information and references to persons contacting GMD with questions regarding fair housing and related topics, which includes making available an informational brochure about fair housing.

2. REQUIREMENTS AND PRACTICES FOR DEVELOPERS, OWNERS, AND SUBRECIPIENTS (henceforth referred to as Participant)

All Participants who receive funds from the Urbana HOME Consortium are required to do the following:

- A. Enter into loan and regulatory agreements with the Urbana HOME Consortium prior to receiving any funds, as these agreements are designed to bind the recipients to all of the program requirements, including the affirmative fair marketing procedures.
- B. Make use of the Equal Housing Opportunity logotype or slogan in all HOME program-related advertisements, notices, and communications.
 - a. Marketing plans must include the use of the fair housing logotype and/or slogan, and use of a logotype and/or slogan indicating accessibility to the disabled.
 - b. Participants are required to advertise in newspapers of general circulation, and to provide notice to community groups when units become available.
- C. Clearly display a fair housing poster in a public place within the office; fair housing posters must also be displayed at the project rental. Posters are available from GMD.
- D. Identify the market population least likely to apply for housing and the marketing efforts that will be used to reach this segment of the housing market population.
 - a. Marketing plans must include information on strategies for reaching persons and groups not likely to apply including, but not limited to, households with a disabled member.
 - b. Marketing plans must also include procedures for ensuring that accessible units are occupied by people with disabilities, who require accessible features, as described below.
- E. Notify GMD when vacant HOME units become available for purchase or rent for GMD to notify a listserv of interested community agencies that serve clientele who are likely to be income-eligible for HOME units.

Developers receiving Federal funds are required to create units that are accessible to people with disabilities. At least five percent (5%) of the new units must be accessible to people with mobility impairments and at least two percent (2%) must be accessible to people with hearing or vision impairments. In addition to Federal laws requiring units for people with physical disabilities, Fair Housing laws require owners to make reasonable accommodations for people with all types of disabilities. In doing so, recipients are required to make and pay for structural modifications to dwelling units and common areas when needed as a reasonable accommodation for tenants or applicants with disabilities.

In such cases where providing a requested accommodation would result in an undue financial and administrative burden, developers are required to take any other action that would not result in an undue burden. As a condition of the agreements, not less than 120 days prior to project completion, Participants must submit proposed marketing and management plans to the City for review and approval.

Prior to commencing marketing activities, Participants will be required to meet with City staff to review the proposed marketing strategy to ensure that affirmative marketing efforts will be employed. Marketing strategies must include use of a welcoming statement to encourage people with disabilities to apply for units, as well as a description of available units, accessible features, eligibility criteria, and the application process. The City will provide developers with sample notices. Marketing plans must indicate that qualified applicants with disabilities who request accommodation shall receive priority for the accessible units. Open houses and marketing offices must be accessible to allow disabled persons to visit the site and retrieve information about accessible units.

3. PROCEDURES FOR OUTREACH TO PERSONS NOT LIKELY TO APPLY

Participants are required to engage in special outreach to persons and groups in the housing market area who, in the absence of such outreach are not likely to apply for the housing. In determining what special outreach is needed, Participants should take into account past patterns of discrimination, the racial and ethnic makeup of the neighborhood, language barriers, location, and other factors that might make it less likely that some persons and groups, (a) would be aware of the availability of the housing or, (b) would be likely to apply for the housing.

In particular, Participants are required to advertise in media that are reasonably likely to reach such targeted groups, and to provide notice to community organizations, fair housing agencies, and other similar organizations. Multilingual advertising is encouraged where such efforts would result in reaching persons and groups not likely to apply.

***SPECIFIC PROCEDURES FOR ENSURING THAT ACCESSIBLE UNITS ARE OCCUPIED BY PEOPLE WITH DISABILITIES WHO REQUIRE ACCESSIBLE FEATURES**

Outreach by Participants to the disability community shall include the distribution of notices describing:

- the availability of all units
- specific information regarding the availability and features of accessible units
- eligibility criteria; and
- application procedures

All application forms shall include information indicating that people with disabilities requiring accessible features shall receive priority for accessible units. The application must include a section to be filled out by any applicant requesting an accommodation with details on the applicant's special needs for accessible features or other accommodations. Under no circumstance should an applicant be required to disclose a disability unless requesting an accommodation. This will allow developers to provide, upfront, any necessary accessible features and/or accommodations for those people requesting accommodations.

Participants shall take reasonable nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit. To this end, any vacant, accessible unit should first be offered to a current, disabled tenant of the same project or comparable project under the Participant's control. The disabled occupant must require the features in the vacant unit and must be occupying a unit not having such features.

If no such occupant exists, the Participant shall then offer the unit to a qualified applicant on the waiting list who has a disability requiring the accessibility features of the unit. Furthermore, when offering an accessible unit to applicants without disabilities, the Participant may require such applicants to agree to move to a non-accessible unit when one becomes available or when the accessible unit is needed by a disabled household. Such an agreement may be incorporated into the lease.

Note: A Participant may not prohibit an eligible family with a member who has a disability from accepting a non-accessible unit, which may become available before an accessible unit. Participants are required to modify such a non-accessible unit as needed or move a disabled household into a unit that can be altered, unless the modifications would result in an undue financial and administrative burden or alteration in the nature of a program. All applicants should be provided information about how to request a reasonable accommodation at the time they apply for admission and at every recertification.

4. RECORDKEEPING AND MONITORING

The City of Urbana, as lead entity for the Urbana HOME Consortium, will keep the following records:

- (a) Copies of all meeting agendas and minutes of the City's Human Relations Commission pertaining to this Procedure, and all agendas and training materials of any training workshop pertaining to this Procedure,
- (b) Copies of agreements, reports and any homebuyer or tenant surveys conducted before and after new construction or rehabilitation of identified units.

The City shall also require Participants of property assisted under this policy to maintain records of how vacancies were advertised:

- (a) The records should also indicate why applications filed by Hispanics, African Americans, Asians/Pacific Islanders, American Indians, persons with disabilities, and women were not awarded the units. The City shall have the Participant submit annual reports as established by the applicable Agreement, identifying those served.
- (b) This information shall be included in the Consolidated Annual Performance and Evaluation Report (CAPER). This information shall be required for the period of affordability as referenced in the applicable Agreement.

Participants must maintain records for at least five years regarding marketing and tenant selection practices. Upon request, Participants are required to submit to the City copies of all advertisements indicating the date the advertisements were placed and the media outlets, which were used. Participants must also provide copies of notices sent to community groups and a listing of those groups to which notices were sent.

Participants must maintain records regarding the characteristics of persons applying for vacant units, and

the characteristics (including race and familial status) of persons actually selected for the units. Participant's records must also include the number, location, and description of accessible units, and success in filling such units with people who need accessible features or other accommodations.

In addition, Participants should document any reasonable accommodations made to, or requested by, tenants during the reporting period. As part of the City's monitoring of assisted housing developments, the City will review Participant's records to verify that each qualified household living in an accessible unit has at least one household member who needs the accessible features of the unit.

The duration of monitoring of Affirmative Fair Housing Marketing (AFHM) Requirements varies with each housing program. For homeownership programs, AFHM requirements apply through the completion of initial sales transactions on units covered by the approved AFHM plan. For assisted rental housing, AFHM requirements apply throughout the term of the loan and regulatory agreements, including those periods when the project does not maintain sustaining occupancy.

5. ASSESSMENT OF SUCCESS AND CORRECTIVE ACTIONS

The City of Urbana, as lead entity for the Urbana HOME Consortium, will review records maintained by all Participants to ensure that affirmative fair marketing requirements are being met. Where the characteristics of applicants are significantly different from the make-up of the City's population (i.e., in cases where specific groups are over-represented or under-represented), the City will examine in more detail the Participant's actions to determine if a violation of the requirements has occurred.

The City employs a variety of corrective actions. Initially, Participants who have not fully complied with the requirements are directed to engage in targeted marketing efforts to reach groups not initially reached. In cases where Participants refuse to comply with the affirmative fair marketing procedures, the City may take additional actions to secure performance under the loan agreement, including declaring the loan in default and recapturing the funds.

- A. The City will assess the effectiveness of its Affirmative Marketing Procedures on an annual basis and will include a summary of the "good faith efforts" taken by the City and Participants in the Consolidated Annual Performance and Evaluation Report (CAPER).
- B. The City will compare the information compiled in the manner described under Section 4: "Record keeping," and evaluate the degree to which statutory and policy objectives were met. If the required steps were taken, the City will determine that good faith efforts have, in fact, been made.
- C. To determine results, the City may examine whether or not specific groups in the Urbana HOME Consortium area applied for or became tenants or homeowners of applicable units that were affirmatively marketed.
 1. If the City finds that specific groups are represented, particularly Hispanics, African Americans, Asians/Pacific Islanders, American Indians, persons with disabilities and women, the City will assume that the Affirmative Marketing procedures were effective.

2. If one or more groups are not represented within the context of existing neighborhood composition, the City will review its procedures to determine what changes, if any, might be made to make the Affirmative Marketing efforts more effective.
- D. The City of Urbana will take corrective action if it is determined that a Participant has failed to carry out Affirmative Marketing efforts as required. If a Participant continues to neglect responsibilities made incumbent by the terms of their Agreement, the City will consider taking one or both of the following actions:
1. Declare the Participant disqualified from any further assistance made available under this policy.
 2. Notify the Participant of the project that there is a violation of the terms of the Agreement and that the City may exercise its right to require immediate repayment of the grant or loan.
- E. The Community Development Services Department, Grants Management Division shall not proceed with corrective action without allowing time and effort by staff to counsel the Participant in accordance with the terms of the Agreement.
- F. The City of Urbana will carry out assessment activities and complete a written assessment of Affirmative Marketing efforts in accordance with each Agreement.