AFFIRMATIVE MARKETING PLAN

EQUAL HOUSING OPPORTUNITY

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CITY OF JACKSONVILLE-DUVAL COUNTY
AFFIRMATIVE MARKETING PLAN

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 Jacksonville-Duval County (COJ) has established procedures to affirmatively market HOME-assisted housing units.

COJ is committed to meeting the goals of affirmative marketing in furtherance of our fair housing objectives. As part of this commitment, COJ requires HOME subgrantees, including Contract Administrators, Community Housing Development Organizations (CHDOs), Developers, and other subgrantees of HOME Program funds to comply with the affirmative marketing requirements. Subgrantees 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 (AMP or Plan).

As part of efforts to ensure that available housing is marketed to persons not likely to apply for such housing, subgrantees are encouraged to make HOME information available in non-English languages spoken by those residing in or near the community. Furthermore, subgrantees are encouraged to distribute marketing materials to area social service agencies that work with minorities and disabled individuals.

Overview of Affirmative Marketing

A. 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.

B. An Affirmative Marketing Plan (Plan) and affirmative marketing procedures are required for subgrantees 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.

C. 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.

D. 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.

Minimum Affirmative Marketing Plan Requirements

A. Subgrantees must approve and distribute an Affirmative Marketing Plan that will be used to attract prospective applicants of all minority and non-minority groups regardless of their race, color, religion, sex, national origin, disability, familial status, or religious affiliation. Racial groups to be marketed to may include White, African American, Native American, Alaskan Native, Asian, Native Hawaiians or Other Pacific Islanders. Other groups who may be subject to housing discrimination include, but are not limited to, Hispanic or Latino groups, persons with disabilities, families with children, or persons with different religious affiliations. For multifamily developments, the Affirmative Marketing Plan must be provided to the property management and onsite staff. Single family administrators must be readily available to staff administering the program for use in selection of applicants that will be served.

B. Subgrantees are not required to use HUD forms 935.2A for multi-family projects or 935.2B for single family activities; however development owners and subgrantees are encouraged to use these forms. Regardless of format, Affirmative Marketing Plan and related records must include:

1. A list of the group(s) that are least likely to apply for housing without special outreach. All multi-family developments must select persons with disabilities as one of the groups identified as least likely to apply. When identifying racial/ethnic minority groups will be marketed to, factors such as the characteristics of the housing's market area should be considered.

2. Procedures that will be used to inform and solicit applications from persons who are least likely to apply. Specific media and community contacts that reach those groups designated as least likely to apply must be identified (community outreach contacts may include neighborhood, minority, or women's organizations, grass roots faith-based or community-based organizations, labor unions, employers, public and private agencies, disability advocates, or other groups or individuals well known in the community that connect with the identified group(s)).

3. How the subgrantee will assess the success of Affirmative Marketing efforts. Affirmative Marketing Plans should be reviewed on an annual basis to determine if changes should be made and plans must be updated every five (5) years to fully capture demographic changes in the housing's market area.

C. At a minimum, the Plan will require projects involving five (5) or more HOME-assisted units to comply with the following:

1. Prior to sales or rental activity (or marketing of homebuyer assistance, or rehabilitation program), the subgrantee shall identify community contacts (individuals, organizations, or agencies) actively involved with serving low-income persons who would benefit from specific outreach efforts.

2. Any AMP which includes homeownership should require that potential home purchasers receive homeownership counseling and education.

3. If any rental units are publicly advertised during the period of affordability, the Equal Housing Opportunity logo must accompany the advertisement.

4. For multifamily developments, the AMP must provide that the developer will issue press releases announcing available units that will be circulated to media outlets within the marketing and outreach area. The press releases should include: location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities.

5. Information about available units at different developments may appear in combined press releases, as appropriate; this is especially encouraged for small developments, including those with four units or less. Issuance of the initial press release will coincide with the commencement of the initial marketing period.

6. The subgrantee (or its agent, if applicable) must display the HUD fair housing poster in an area accessible to the public, such as the rental office or project office.

7. The subgrantee (or its agent, if applicable) will collect information on the race and ethnicity of program applicants to demonstrate the results of the owner's affirmative marketing efforts.

8. For rental projects, the subgrantee/owner (or its agent, if applicable) will, for the entire period of affordability, maintain information demonstrating compliance, and will make such information available to COJ, HUD and other regulatory agencies and official public information requests during HOME onsite inspections, or upon request.

9. The Plan must be signed by an authorized official of the sponsoring or ownership organization. By signing the Plan, the subgrantee assumes full responsibility for its implementation and agrees to make any changes which may be required to assure continued compliance with the marketing requirement of 24 CFR §200.620. The agreement to make changes is also applicable to Plans covering rental projects during the affordability period. With respect to single family subdivisions, the subgrantee may request changes to the Plan only during the initial sales period.

10. The Plan must reference and include methods for informing the public, owners, and potential tenants about the following state and federal laws and executive orders, including, but not limited to:

    a. The Fair Housing Act – Title VIII of the Civil Rights Action of 1968, as amended;
    b. Title VI of the Civil Rights Act of 1964;
    c. Section 504 of the Rehabilitation Act of 1973, as amended;
    d. Executive Order 11063, as amended by Executive Order 12259;
    e. Executive Order 12892, Leadership and Coordination of Fair Housing;
    f. Americans with Disabilities Act, as applicable.

Procedures for Implementing an Affirmative Marketing Plan

A. When implementing the AMP, the subgrantee must do the following:

1. Targeting: Identify the segments of the eligible population that are least likely to apply for housing without special outreach efforts.

2. Outreach: Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.

3. Indicators: State the indicators to be used to measure the success of the marketing program. The effectiveness of the marketing program can be determined by noting if the program effectively attracted buyers or renters who are:

    a. Under-represented in the population of the housing market area where the HOME program will be operated;

    b. Persons with disabilities and their families;

    c. Families with children, unless exempted; or

    d. Are members of a protected class.

4. Staff Training: Demonstrate the capacity to provide training and information on fair housing laws and objectives to project or rental staff.

5. Good Faith Effort: Subgrantees are required to make a good faith effort to carry out the provisions of their approved plan. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:

    a. Advertising in print and electronic media that is used by those identified as least likely to apply. The press release or electronic media should contain the Equal Housing Opportunity slogan for press releases and the electronic media should contain the Equal Housing Opportunity logotype.

    b. Marketing housing to specific community groups or organizations frequented by those least likely to apply.

    c. Developing a brochure or handout that describes the HOME program that will be administered and the housing that will be constructed by the subgrantee or the rental assistance program that will be offered to applicants. The brochure or handout may include a range of information which influences decisions regarding housing choices.

i. The brochure or handout should communicate the subgrantees Equal Housing Opportunity policy. The Equal Housing Opportunity policy should be consistent with the Fair Housing Advertising guidelines. All brochures and handouts must contain the Equal Housing Opportunity logotype.
ii. For those subgrantees that administer the HOME Homeowner Rehabilitation program, highlighting the benefits, such as accessibility modifications, energy efficiency of the homes that will be reconstructed/constructed and increased property value is valuable.
iii. For those subgrantees that administer the HOME homebuyer or down payment assistance programs, the brochure should highlight the benefits of homeownership and the type of down payment assistance that will be provided.
iv. For subgrantees that administer a CHDO, HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. The subgrantee must indicate whether the poster will be displayed in the sales/rental office(s), the subgrantee office, and/or model units and/or other places.

d. Ensuring that the project/administrative staff have read and understood the Fair Housing Act, and the purpose and objectives of the Plan

e. Developing a referral network with the local fair housing agency

Establish System for Documenting Outreach

A. Establish a system for documenting activities and maintaining records of such AFH activities. At minimum, the subgrantee must maintain documentation pertaining to:

1. The special outreach activities undertaken to attract groups that are least likely to apply and also the general public that applies for the housing;

2. How the groups considered least likely to apply were identified;

3. Race and ethnicity of all persons applying for the housing; and

4. Race and ethnicity of all individuals who visited the project in person.

5. A copy of training materials used to train project management/staff on Federal, State local civil rights laws and fair housing laws;

6. The selection of the community contacts who assisted or may assist in implementing the Plan. In addition, the subgrantee must:

a. List, with names and addresses, groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities.

b. List, with names and addresses, community contact(s) that serve the disabled community, such as an independent living center (ILC).

c. Indicate the method of contact for each of these outreach organizations e.g., community meetings, brochures, briefing sessions, etc., approximate date the group or individuals are to be contacted and how the project manager/agent/subgrantee will document such contact.

7. Communications with community contacts listed in the Plan;

8. Copies of public advertisements, brochures, leaflets, etc.;

9. The training given to staff on Federal, State and local civil rights laws;

10. Subgrantees must develop an affirmative marketing report that includes summaries of affirmative marketing efforts. The report details affirmative marketing activities and identifies actions to undertake or to correct any non-compliance with affirmative marketing policies or to mitigate any non-performance problems in implementing plans. If corrective measures have been identified, actions taken on such measures must be reported. UHC may review reports at any time to determine compliance with affirmative marketing regulations.

11. Subgrantees must keep a record of complaints of unfair marketing and must notify UHC in writing of the complaint.

Affirmative Marketing Recordkeeping

A. The documentation of activities should be maintained in the project file. This information must be collected and maintained during the federal period of affordability and must be made available for review throughout the period.

B. Up-to-date records based on census data, application and surveys about community residents, applicants for housing units, residents of the project, and records about tenant selection or rejection must be kept in the project file.

C. Racial and ethnic data on all persons applying for housing units and participants must be collected and kept in the project file.

D. Data obtained voluntarily from applicants with disabilities should be collected and kept in a separate file.

E. Examples of documentation that should be maintained include:

1. Copies of newspaper advertisements and flyers or other printed material used;

2. Copies of mailing lists to organizations that were sent flyers and other material;

3. Copies of press releases and description of circulation;

4. Evidence of broadcast of television and radio advertisement ;

5. Photographs of site signs;

6. The racial, ethnic and gender characteristics of tenants;

7. List the names and addresses, of groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities; and

8. List the names and addresses, of community contact(s) that serve the disabled community, such as an independent living center (ILC).

APPROVAL:

Chief, HCDD

Aug. 31, 2019
Date