

AFFIRMATIVE MARKETING PROCEDURES AND REQUIREMENTS

Thomas Jefferson HOME Consortium

This document is created to assist the Thomas Jefferson HOME Consortium (“Consortium”) in complying with affirmative marketing regulations found in 24 CFR 92.351, and 24 CFR 92.61(b)(7).

When 5 or more units of housing are developed as part of a project with the use of CDBG or HOME funds, the property owner, CHDO, or Consortium Subrecipient will be required to affirmatively market the property.

Affirmative marketing requirements and procedures also apply to all HOME-funded programs, including tenant-based rental assistance (TBRA) and downpayment assistance (DPA) programs.

Affirmative marketing includes taking actions to provide information and attract eligible persons in the region to available housing without regard to race, color, national origin, sex, religion, familial status, or disability.

The Consortium establishes the following Affirmative Marketing Procedures:

1. Solicit Applications through Special Outreach

Subrecipients and owners will be required to inform and solicit applications from persons in the housing market area who are not likely to apply for housing without special outreach (members of minority groups, the elderly, and persons with disabilities) using the following methods:

- Begin special outreach activities within one week of learning that a vacancy will occur.
- Provide information to the Blue Ridge Area Coalition for the Homeless (BRACH), The Haven, Piedmont Housing Alliance (PHA), Creciendo Juntos, Offender Aid and Restoration (OAR), BRHD HOPWA Coordinator, Network2Work, and the Independence Resource Center, to make them aware of rental and home purchase opportunities that may be available to their customers and prospective customer base. Contact the Grants Manager at TJPDC for up-to-date contact information, and to request the information be added to the Porchlight website. Other organizations to consider reaching: Region Ten, JABA, City of Promise, UVA Latino Health Initiative.
- Make home buyer education and housing counseling providers aware of home purchase and rental opportunities that may be available to their customer base.
- Make at least one presentation at functions attended by people who are members of under-represented and under-served groups, and provide written and verbal communication to leaders within minority communities.

2. Meet Affirmative Marketing Requirements

Subrecipients of the Consortium’s HOME funds must adhere to the following requirements and procedures to carry out affirmative marketing procedures and requirements when providing 5 or more units of housing, using any of the approved HOME activities (TBRA, DPA, developing homebuyer housing, developing rental housing):

- Subrecipients will obtain a list of potential tenants from the appropriate Housing Authority Housing Choice Vouchers waiting list, which was formulated under the standards of fair housing, equal opportunity and non-discrimination. Local residents who are on these waiting lists should be contacted as a part of the affirmative marketing process.
- Subrecipients will advertise through media (newspaper, radio or television, social media, community websites other than the TJPDC and/or Subrecipient websites) to inform potential renters of the availability of units. At least one advertising medium should be recorded as used to advertise before choosing a tenant.
- Subrecipients will inform human and social service agencies that assist lower income families and individuals, by sending an email informing them about the availability of affordable housing and the opportunity to apply as a tenant. Details about rental fees, income requirements, and the property must be included.
- Subrecipients must maintain a record of outreach to at least one under-represented, under-resourced, and/or predominantly minority community for each property advertised, as described in Section 1.
- Subrecipients will notify prospective tenants or purchasers that they may learn more about Federal Fair Housing laws and associated programs by contacting either of the following.
 - Fair Housing Office of the Virginia Department of Professional and Occupational Regulation: 804-367-8530, or TDD Virginia Relay 7-1-1, or visiting dpor.virginia.gov
 - Housing Opportunities Made Equal: 804-354-0641, TDD Virginia Relay 7-1-1, or visiting homeofva.org, or emailing help@HOMEofVA.org

3. Record Keeping

Subrecipients and property owners will maintain records of actions taken to affirmatively market the program and units, as well as records to assess the results of these actions.

The Thomas Jefferson Planning District Commission (TJPDC), as the managing agency of the HOME Consortium, will maintain records of actions taken by the Consortium, HOME subrecipients, and property owners to affirmatively market CDBG and HOME funded projects containing five or more units of housing.

Record keeping requirements include:

- Subrecipients must keep records describing actions to affirmatively market units assisted under the HOME Program, as well as records to assess the results of these actions.
- Records to be maintained include:
 - Copies of advertisements, web postings, and any form of media used
 - Copies of emails sent to organizations, leaders, and others listed above, including any additional contacts made
 - Log of contacts made to inform the community and potential residents about housing opportunities, including notes about contacting those on Housing Choice Voucher waiting lists
 - The racial, ethnic, and gender characteristics of potential homeowners, tenants, and rental property owners for the 90 days following acquisition/rehabilitation, as required by 24 CFR Part 92.351; and
 - Information from tenants on how they were informed that units were available.
- TJPDC will maintain/monitor records from each Subrecipient. All project records shall be made available to TJPDC and HUD upon request.

- If a CHDO is sponsoring units that are being managed by a property owner, the CHDO must keep a copy of these records on file as well.

4. Monitoring, Assessing, and Corrective Action

TJPDC will annually assess the results of its affirmative marketing procedures and requirements for HOME-assisted activities containing five or more units of housing. This assessment will occur as part of the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER), and will seek to determine the effectiveness of actions taken and require corrective action and modification to the affirmative marketing procedures and requirements if necessary.

TJPDC will ask Subrecipients, owners, and other pertinent organizations such as Housing Opportunities Made Equal, CLIHC, PHAR, Independence Resource Center, or other local experts on the subject, for their analysis and suggestions concerning its affirmative marketing practices.

The effectiveness of the Consortium's and Subrecipients' affirmative marketing efforts will be assessed as follows:

- TJPDC will examine records required of Subrecipients and owners regarding actions they have taken to affirmatively market available units.
 - If TJPDC, on behalf of the Consortium, finds that the required actions have been carried out as specified, it will judge the owners to have made good faith efforts to carry out the program requirements;
- TJPDC will assess whether or not tenants from a variety of income levels and minority groups have applied for occupancy and have become tenants in the HOME assisted units.
 - If it finds that this variety is present, or substantial outreach efforts were made and no such diversity is present, it will judge the owner to be in compliance with program requirements.
 - However, if TJPDC finds that a diversity of tenants is not present and the required efforts are insufficient, it will review the Subrecipients' or owners' procedures and determine what changes would make the affirmative marketing more effective.
- TJPDC will take corrective actions if it finds that any Subrecipients and owners of rental properties fail to carry out the program requirements, or fail to maintain the records on applicants and tenants in accordance with 24 CFR 92.351.
- If, after discussions with the Subrecipient or owner on ways to improve affirmative marketing requirements, remedial standards which were provided in writing are not met by the deadline provided, TJPDC, on behalf of the Consortium, will consider disqualifying them from future participation in the HOME Program.

5. Minority Owned Business Outreach

The Consortium aims to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, and seeks to comply with 24 CFR 92.351(b) and 2 CFR 200.321. The following minority outreach program will ensure the inclusion, to the maximum extent possible, of minorities and women.

Minority Business Enterprise and Women Business Enterprise:

In all contracts entered into by the Consortium and its subrecipients, participation of minority and women contractors will be encouraged, and minority business enterprises and women business enterprises will be used when possible in the procurement of property and services. This includes real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services.

Disadvantaged Business Enterprises (DBE) are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and control management and daily business operations. African American, Hispanic or Latino/a, Native American or Indigenous, Asian-Pacific and Subcontinent Asian American, and women business owners are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis. Only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.

In order to maintain compliance, the Consortium and Subrecipients will:

- Complete SWAM forms for each HOME-assisted activity, which will be reviewed as part of the CAPER annual reporting process.
- Develop a solicitation list that includes and prioritizes qualified small and minority businesses and women's business enterprises.
- Assure that the SWAM businesses are solicited whenever they are potential sources.
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
- Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- For larger HOME activities, such as those exceeding \$50,000 of HOME funds, prime contractors will be required to follow these requirements.

6. Limited English Proficiency (LEP) Outreach

In the City of Charlottesville, 14% of the population speaks a language other than English at home (Census Bureau, 2017-21 estimates). In Albemarle, that number is 13%; 6% in Louisa and Greene, and 5% in Nelson and Fluvanna. The Consortium complies with the requirements of Title VI of the Civil Rights Act of 1964. A person with Limited English Proficiency (LEP) is defined as a person who, as a result of national origin, does not speak English as their primary language and who has a limited ability to speak, read, write, or understand English language. Latino/a and Hispanic households make up the largest LEP population in the TJPB region. Other groups speak Swahili and Farsi, though numbers of individuals are much lower for those languages in the TJPB region.

The Consortium commits to the following steps to provide meaningful access to persons with LEP:

- Identify organizations representing groups with LEP, and put them on the active contact list to receive program information.
 - Key organizations include:
 - Creciendo Juntos
 - Sin Barreras
 - The HOPWA Coordinator at Blue Ridge Health District
 - International Rescue Committee
 - Chamber Minority Business Association

- City of Promise
 - Habitat for Humanity
- Access interpreters to provide language assistance when necessary.
- Publish flyers in languages other than English, based on the percentage of the expected audience who speaks each language. Languages identified as spoken in our region include: Spanish, Farsi, Swahili, Arabic, Pashto, and Karenni. Consult with the International Rescue Committee regarding culturally appropriate methods of outreach.
- Attend meetings of organizations such as those listed above, to inform LEP communities about available programs and how to access them, including soliciting their input on Consolidated Planning processes.

Subrecipients must have translation services available for tenants or home purchasers who need it in order to complete the process with the subrecipient. TJPDC has a CyraCom account which can add users; if a subrecipient needs access to this account, they should contact the Grants Manager at TJPDC.

The ultimate intent of the Consortium's LEP outreach plan is to provide opportunity for people with limited English proficiency to effectively access services that will help them live as supported and resourced members of the community.

7. Inform the Public

The Consortium and all subrecipients will inform the public, owners, and potential tenants – including Limited English Speaking (LES) persons – about Federal Fair Housing laws and Affirmative Policies.

This can be accomplished by one or more of the following:

- Posting a copy of Fair Housing posters in English, Spanish, and other languages spoken locally (such as Farsi or Swahili) in visible spaces on premises.
- Posting information about Fair Housing Laws and Consortium Affirmative Policies on the Thomas Jefferson Planning District Commission (TJPDC) website.
- Providing property owners, HOME-assisted agencies/CHDOs, and prospective tenants or homebuyers with an educational pamphlet related to Fair Housing Laws and the Affirmative Policies.
- Notifying prospective tenants or purchasers that they may learn more about Federal fair Housing laws and associated programs by contacting the Housing Opportunities Made Equal offices in Richmond, VA.