



## Affirmative Marketing Policy

The purpose of affirmative marketing is to attract eligible applicants to available Department of Housing and Urban Development (HUD) HOME-assisted housing who may be less likely to participate (i.e., people historically discriminated against based on protected classes – race, color, national origin, sex, religion, familial status, disability). The Project Owner or Subrecipient will be required to solicit applications from persons in the housing market who are least likely to apply for the HOME-assisted housing without the benefit of special outreach efforts.

An Affirmative Marketing Plan detailing efforts and actions must be implemented in a HOME project or program that meets the following criteria. This plan must be submitted to the City before the marketing, leasing, or sale of the units or program begins.

The following projects and programs are subject to this Affirmative Marketing Policy and their own approved Affirmative Marketing Plans:

- A rental project with five (5) or more HOME-assisted units
- A homebuyer project (homes for sale) with five (5) or more HOME-assisted units
- Direct homebuyer assistance programs funded with HOME funds (e.g., closing costs, down payment programs, etc.
- Tenant-based rental assistance (TBRA) programs funded with HOME funds

Project Owners or Subrecipients are recommended to review Form HUD-92243-PRA, Affirmative Fair Housing Marketing Plan (AFHMP), as a guide to ensure a proposed Affirmative Marketing Plan is comprehensive. The most recent version can be found online under HUD-9 forms at [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud9](https://www.hud.gov/program_offices/administration/hudclips/forms/hud9).

### City of Fargo Responsibilities

- 1. Inform the public, owners, and potential tenants about federal fair housing laws and the City of Fargo's Affirmative Marketing Policy.**
  - a. The City will maintain a page on its official website with information regarding fair housing laws and its Affirmative Marketing Policy at <http://fargond.gov/city-government/departments/planning-development/community-development-neighborhoods/housing/fair-housing>.
  - b. The City will continue to use HUD Community Development Block Grant (CDBG) funds to fund local nonprofits which provide fair housing training and related educational outreach activities in Fargo.
  - c. The City's Community Development Division will continue to include the Equal Housing Opportunity logo or slogan in all correspondence, notices, and advertisements related to its HUD programs.



- d. For projects subject to affirmative marketing requirements, the City will provide notice to the public, owners, and potential tenants by requiring the Project Owner or Subrecipient to include the following statement (or similar) in its marketing materials:

*“This Project is partially funded with federal funds through the City of Fargo. The City of Fargo’s Affirmative Marketing Policy applies to this project and is available at [www.FargoND.gov](http://www.FargoND.gov) or by contacting the City of Fargo Planning & Development Department.”*

2. **Include affirmative marketing requirements in written agreements between the City and Project Owner or Subrecipient for all projects subject to them.**
3. **Have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for a project that limits tenant eligibility or has a tenant preference in accordance with §92.253(d)(3).** For example, projects that target and/or give preference to persons with special needs, elderly, chronically homeless, victims of violence, etc. must have affirmative marketing procedures and requirements for preferred tenants written into the agreement between the Project Owner or Subrecipient and in the Project Owner or Subrecipient’s approved Affirmative Marketing Plan.
4. **Monitor Project Owner or Subrecipient compliance with their approved Affirmative Marketing Plan and assess outcomes for all rental and homebuyer projects subject to affirmative marketing requirements.**

- a. **Rental Projects:** The City will include an affirmative marketing exhibit as part of its annual HOME monitoring. The types of actions taken, timeline and frequency of actions taken, and the results of those actions will be reviewed.

If annual monitoring finds the Project Owner or Subrecipient or its property management representative did not follow its approved Affirmative Marketing Plan, the Project Owner or Subrecipient must submit a detailed report outlining how staff will be appropriately trained to carry out the plan. City staff will conduct a second monitoring visit within three months to verify these corrective actions have been undertaken.

HOME regulations compel an Affirmative Marketing Plan to be followed (24 CFR 92.351(a)(1)). Therefore, the City considers noncompliance with an Affirmative Marketing Plan to be a monitoring finding. According to the City’s HOME Monitoring Policy, a finding results in a Project being monitored annually for three calendar years.

- b. **Homebuyer Projects:** The City will review the Project Owner’s/Subrecipient’s affirmative marketing exhibits on a per project basis and require a report on affirmative marketing efforts for every month during the initial 9 month timeline to occupy the unit by a homeowner. If project is required to convert to rental at any point during the project’s affordability period, affirmative marketing procedures must follow rental projects as described above.

5. Maintain records describing actions taken to affirmatively market the program and units.
6. Maintain records to assess the results of the affirmative marketing actions.



## Project Owner or Subrecipient Responsibilities

- 1. Adopt an Affirmative Marketing Plan** and submit it to the City for review before its implementation or the marketing of any rental or ownership unit. An Affirmative Marketing Plan will vary by project to ensure those least likely to apply will receive special outreach. The policy must address actions the Project Owner or Subrecipient will take to execute items detailed below. The City will review and consider approval of the plan within 30 days of submission.
- 2. Inform the public of federal fair housing laws.** The Project Owner or Subrecipient shall advertise its units for rent or sale and use the Equal Housing Opportunity logo or statement. Advertising shall include media including but not limited to newspapers, radio, televisions, brochures, leaflets, social media, online website or a sign in a window. Specific details and/or actions on how the Project Owner or Subrecipient will inform the public of federal fair housing laws must be written in their Affirmative Marketing Plan.

The Project Owner or Subrecipient shall display Fair Housing posters in rental and/or sales offices, regardless of the number of HOME-assisted units in a property. Fair Housing posters in languages other than English may also be required as part of a project's Affirmative Marketing Plan. Posters and other outreach tools are available at HUD's Fair Housing & Equal Opportunity (FHEO) Outreach website: <https://www.hud.gov/FHEOoutreachtools>

- 3. Solicit applications from persons not likely to apply.** The Project Owner or Subrecipient must define specific steps it will take to solicit applications from populations unlikely to apply without special outreach. These details must also be in the project's Affirmative Marketing Plan. The City can provide resources and contacts for the Project Owner or Subrecipient to develop an appropriate outreach list during development of the Affirmative Marketing Plan.
- 4. Make applications public.** Online and/or printed is acceptable.
- 5. Include non-discrimination statement on client-facing advertisements/materials.**
- 6. Employ written and/or interpretation services within reason for vital documents.**
- 7. Follow Title VI/LEP/Section 504 guidelines** as outlined in the City's [Language Access Plan](#) and the [Office of Fair Housing and Equal Opportunity's Guidance on Compliance](#).
- 8. Notify the Fargo Housing and Redevelopment Authority when HOME-assisted units are available for rent or purchase.**
- 9. Maintain a nondiscriminatory hiring policy.** Documents must be maintained that demonstrate this policy (e.g., an employee handbook, nondiscriminatory clause on applications and job postings, etc.).
- 10. Maintain files demonstrating affirmative marketing efforts under the plan.** The Project Owner or Subrecipient must maintain records describing actions taken to affirmatively market the program and HOME-assisted units. This includes copies of ads (online or print), e-mails, letters, receipts for ad placement, and memos of phone calls. Files must also include details of what actions are taken, the timeline and frequency of actions taken, and the results of those actions.



**11. Maintain files demonstrating the *outcomes* of affirmative marketing efforts.** In addition to maintaining files related to general marketing outcomes, the Project Owner or Subrecipient must also maintain files on affirmative marketing outcomes, including any voluntary demographic information collected. If possible, Project Owner or Subrecipient should also collect information on how the applicant heard about the application in order to better evaluate affirmative marketing efforts.

**12. Submit reports demonstrating the affirmative marketing efforts and outcomes under the plan.**

- a. Homebuyer Projects:** The Project Owner or Subrecipient must submit detailed monthly reports to the City regarding its affirmative marketing actions and outcomes. At minimum, reports must include:
  - i. Types of actions taken along with any corresponding documentation
  - ii. Timeline and frequency of actions taken
  - iii. The results of those actions, i.e., all voluntary demographic information collected at the time of application (e.g., number of Native American applicants in past 30 days; number of Black Americans who closed on a home in past 30 days).
- b. Rental Projects:** The Project Owner or Subrecipient must submit an annual report regarding its affirmative marketing actions and outcomes as part of the City's annual HOME monitoring. At minimum, reports must include:
  - i. Types of actions taken along with any corresponding documentation
  - ii. Timeline and frequency of actions taken
  - iii. The results of those actions, i.e., all the voluntary demographic information collected at the time of application (e.g., number of Native American applicants in past 12 months; number of Black Americans who executed a lease in the past 12 months).

**13. Annually assess the success of affirmative marketing action(s) and what corrective actions will be taken where affirmative marketing requirements are not met.**

- a. The City will assess the effectiveness of its Affirmative Marketing Policy on an annual basis and will include a summary of the "good faith efforts" taken by the City and Project Owners or Subrecipients in the CAPER.
- b. The City will compare the information compiled and evaluate the degree to which 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 of Equal Housing Opportunity, the City may examine whether or not specific groups applied for or became tenants or owners of applicable units that were affirmatively marketed. If the City finds that specific groups are represented, particularly people of color, women, and persons with disabilities, the City will assume that the Affirmative Marketing procedures were effective. If one or more groups are not represented, 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 will take corrective action if it is determined that a Project Owner or Subrecipient has failed to carry out Affirmative Marketing efforts as required. If a Project Owner or Subrecipient continues to neglect responsibilities made incumbent by



the terms of their Agreement, the City will consider taking one or both of the following actions:

- i.** Declare the Project Owner or Subrecipient disqualified from any further assistance made available under this policy.
- ii.** Notify the Project Owner or Subrecipient 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.
- iii.** The City shall not proceed with corrective action without allowing time and effort by staff to counsel the Project Owner or Subrecipient in accordance with the terms of the Agreement.
- iv.** The City will carry out assessment activities and complete a written assessment of Affirmative Marketing efforts in accordance with each Agreement

