

NYS HOME Local Program

Fair Housing - Equal Opportunity- Affirmative Marketing Policy

No person shall, on the grounds of race, color, national origin, religion or sex be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part with Federal HOME funds. The NYS HOME Local Program (HOME Local) Fair Housing-Equal Opportunity-Affirmative Marketing Policy ensures nondiscriminatory treatment, outreach and access to program resources for all HOME Local assisted beneficiaries.

The HOME Local Program and all awardees (*known as Local Program Administrators or LPAs*) of HOME Local Program funds must comply with all federal laws, executive orders and regulations pertaining to Fair Housing and Equal Opportunity. They are:

Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.) which states that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.

The Fair Housing Act (42 U.S.C. 3601-3620) prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, disability or familial status.

Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259) prohibits discrimination against individual on the basis of race, color, religion, sex or national origin in the sale, rental, leasing, or other disposition of residential property or in the use or occupancy of housing assisted with Federal funds.

Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107) prohibits age discrimination in programs or activities receiving Federal Financial Assistance.

This Policy requires LPAs to develop an affirmative marketing plan that relies on local knowledge and decision making in order to determine the best strategies for compliance.

Affirmative Marketing Requirements:

- A. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability.
- B. Each HOME Local funded program must have and follow an affirmative marketing plan consistent with the HOME regulations at 24 CFR 02.351. The plan must define the affirmative marketing procedures that will take place to provide information and otherwise attract eligible persons in the program service area to the available housing or

assistance without regard to race, color, national origin, sex, religion, familial status or disability. Required elements of the plan include:

- i. Identification of those persons across the protected classes that are expected to be “least likely to apply.”
- ii. Description of how the LPA or will inform the public, owners and potential tenants and participants about fair housing laws and the LPA’s affirmative marketing policy.
- iii. Description of specific procedures or activities that the LPA will employ to affirmatively market housing assisted with HOME Local funds. The LPA must describe what actions will be taken to inform and solicit applications from those “least likely to apply” without special outreach.
- iv. The LPA must maintain records to document actions taken to affirmatively market the HOME Local assisted units and to assess the marketing effectiveness.
- v. Description of how the LPA will assess the results of the affirmative actions and make corrective actions if necessary.
- vi. A process to address fair housing complaints. This should include elevating issues to the HCR Fair and Equitable Housing Office (FEHO) when needed.
- vii. A process to appeal rejected applications. The appeal process can be handled internally.

C. If the program is targeted to a special need or population, the Plan should describe:

- i. How the program will be marketed across all protected classes within the special need preference.
- ii. If the program targets persons with disabilities, how the program will be marketed to all disabilities (however, advertisements can identify the specific services available based on the targeted disability).

D. Rental Property Owner Responsibilities: owners of rental projects must adopt the LPA’s affirmative marketing procedures and implement them on a project by project basis. The owner’s Affirmative Marketing Plan must be updated annually and reviewed by the LPA for compliance.

E. The plan must be dated and reviewed and updated as needed every 5 years.