

**STATE OF TENNESSEE**  
**TENNESSEE HOUSING DEVELOPMENT AGENCY**

**AFFIRMATIVE MARKETING POLICIES AND PROCEDURES**

**I. STATEMENT OF POLICY:**

In accordance with the Regulations of the HOME Investment Partnership Program, and in furtherance of the Tennessee Housing Development Agency's (THDA) commitment of non-discrimination and equal opportunity in housing, THDA establishes procedures to affirmatively market rental units or homeownership units developed under the HOME Program. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968, as amended, Executive Order 11063, as amended, and Executive Order 13166. These policies apply to any rental or homeownership project assisted by the HOME program containing 5 or more units.

The Tennessee Housing Development Agency is committed to the goals of affirmative marketing which will be implemented in our HOME program through a specific set of steps that THDA, recipients and owners will follow.

THDA shall require that all HOME grantees carrying out HOME activities addressing rental or homeownership projects of 5 or more units adopt and follow these same policies and procedures as outlined below.

**II. IMPLEMENTATION PROCEDURES**

**A. INFORMING THE PUBLIC, POTENTIAL TENANTS AND RENTAL PROPERTY OWNERS, ABOUT FEDERAL FAIR HOUSING LAWS AND AFFIRMATIVE MARKETING POLICIES:**

1. **INFORMING THE PUBLIC** - Local city, county and non-profit recipients will be required to inform the public of the program and their proposed activities through advertisements and announcements in the local media which include the Equal Opportunity logo or slogan.
2. **INFORMING RENTAL PROPERTY OWNERS** – Grant recipients will mail upon request and have available for distribution to rental property owners, an application package which provides further explanation of the Program. The application includes a fair housing certification which the landlord is required to sign. Once an application is received from the landlord, the Grant Recipient will send additional information concerning tenant eligibility, Housing Quality Standards, and Equal Opportunity Housing requirements.
3. **INFORMING POTENTIAL TENANTS** - The owner's application includes a request for the names and mailing addresses of tenants in buildings scheduled for rehabilitation. Upon receipt of the owner application, the Grant Recipient will mail an "information letter" to the current tenants informing them of the landlord's application and referring them to the appropriate agency or local PHA for an explanation of subsidy eligibility. This information letter includes a fair housing statement.

## **B. REQUIREMENTS FOR OWNERS TO INFORM THE GENERAL RENTER OR HOMEBUYER PUBLIC ABOUT AVAILABLE UNITS:**

It is THDA's policy to require substantial steps by Grantees or project owners to carry out affirmative marketing. Grantees and rental property owners should provide for costs associated with these requirements in their planned operating costs and subsidy decisions, which by necessity will take these costs into account.

If it is feasible to advertise in advance of selecting a tenant or homebuyer, without holding units off the market, participating property owners will be required to make information on the availability of units known through:

1. Advertisements and announcements in the local newspaper(s) which include the Equal Opportunity logo or slogan, if the owner ordinarily advertises available units in the news media;
2. Notifying the local PHA or THDA's agent and requesting that staff inform applicants on their waiting lists about upcoming rental vacancies.
3. Contact community organizations, places of worship, employment centers, fair housing groups, human resource agencies or housing counseling agencies about upcoming rental vacancies or homeownership opportunities.
4. Owners of rental properties are required to list their units on THDA's website at [TNHousingSearch.org](http://TNHousingSearch.org).

THDA will emphasize to owners that to the extent feasible without holding units off the market, they make information about upcoming vacancies to the general public *after* special outreach efforts are underway.

THDA will require that property owners selected for participation in the program comply with affirmative marketing requirements by means of an Agreement. Failure to carry out the agreement could make an owner ineligible to participate in the Program with future projects.

## **III. SPECIAL OUTREACH**

In order to inform as well as solicit applications from persons in the housing market area who are not likely to apply for units without special outreach, THDA has established methods property owners must use in order to reach the objective.

THDA has identified groups in the housing market area who would probably not apply for the units without special outreach: minorities; single, female heads of household; those with disabilities.

Having identified these groups, THDA will require that owners use special outreach methods as follows:

1. Send notification of upcoming vacancies to the local office of the Department of Human Services and the Human Resource Agency.
2. Contact the local PHA or THDA agent and ask them to inform applicants on their waiting list.
3. Contact community organizations, places of worship, employment centers, fair housing groups, human resource agencies or housing counseling agencies to solicit applications from persons in the housing market who are not likely to apply for housing without special outreach (e.g., racial minorities and female heads of household and those with disabilities).

THDA will require that owners begin their special outreach activities upon learning that a vacancy will occur. THDA will ask that owners request a thirty (30) day notification from tenants intending to move so that special outreach to those identified above can begin before notification to the general public.

#### **IV. RECORDKEEPING**

THDA will require that Grantees and/or rental property owners keep records on:

1. The racial, ethnic and gender characteristics of tenants, homebuyers and applicants for at least 90 days following the completion of rehabilitation/new construction.
2. Activities they undertake to inform the general public of the availability or the rental or homeownership units; specifically, copies of advertisements placed in newspapers; and dates on which the Grantee and/or owner contacted the local DHA, HRA and PHA.
3. Activities Grantees and/or owners undertake for special outreach; specifically, dates of contact with the local DHA, HRA and PHA, or THDA agent.

#### **V. ASSESSMENT AND CORRECTIVE ACTION**

##### **A. Assessment of the affirmative marketing efforts of property owners will include:**

1. **DETERMINATION OF GOOD FAITH EFFORTS** - To determine if good faith efforts have been made, examine records THDA has required Grantees and/or owners to maintain on actions they have taken and compare them with the actions owners were required to take. If THDA finds that the required actions have been carried out as specified, it will be assumed that owners have made good faith efforts to carry out these procedures.
2. **DETERMINATION OF RESULTS** - To determine results assess property owners' affirmative marketing efforts in relation to whether or not persons from a variety of racial and ethnic groups in the community and, in particular, those identified for above for special outreach have in fact applied for and/or become tenants in the rehabilitated units. If THDA finds they have, it will be assumed that owners have carried out Procedures 2 and 3 effectively.

If the representation of racial/ethnic groups is not broad or the identified groups are not represented, THDA will review the affirmative marketing procedures to determine what changes, if any, might be made to make the affirmative marketing efforts more effective in informing persons in all groups about rental opportunities.

##### **B. CORRECTIVE ACTION**

THDA will take corrective action if an owner fails to carry out the required procedures or fails to maintain the records on tenants and applicants.

If there are problems, THDA will require owners with vacancies to notify the local PHA or THDA agent immediately upon learning that a unit will become vacant. THDA is asking that owners give the PHA or the THDA agent this information as close to thirty (30) days prior to the upcoming vacancy as possible. The PHA or the THDA agent will then be able to verify on a "spot check" basis if these owners are following the prescribed procedures.

If an owner continues to fail to meet the affirmative marketing requirements, THDA, after fair warning and an opportunity to correct identified deficiencies, may disqualify an owner from further participation in future rental programs administered by THDA. THDA will carry out the assessment activities, and prepare a written assessment of the affirmative marketing efforts in time to report results in the Annual Performance Report submitted to HUD.