

## Marketing Plan and Resident Selection Guidance

MaineHousing's policy is to provide for fair and open access to housing funded by MaineHousing in compliance with state and federal civil rights obligations. At a minimum, all projects must develop a marketing strategy and resident selection criteria that ensures the housing is provided to qualified individuals without discrimination based on race, color, national origin, religion, disability, sex, sexual orientation, gender identity or expression, marital status, familial status, ancestry, or source of income.

Owners of projects MaineHousing-funded projects must follow affirmative fair housing marketing procedures both for newly created and for vacant units which is aimed to target/attract residents who are least likely to apply for housing without special outreach such as minorities, families with children, persons with disabilities, or other persons protected by fair housing laws.

### Project Owner's Marketing Requirements

Owners are responsible for carrying out affirmative marketing activities for their properties. Owners can delegate affirmative marketing activities to a property manager, but the owner remains responsible for compliance.

When developing the Marketing Plan for a property, the plan must specify where, when and how unit availability will be marketed and advertised based on the target population and geographic region. The marketing plan is not a one size fits all and required actions may vary by project, depending on location, population served, preferences/set asides, etc.

To affirmatively further fair housing, the Marketing Plan must include:

- ✓ The target population of the property (i.e. elderly, family) and any special preferences/set-asides
- ✓ Identify the population least likely to apply for housing at the project
- ✓ Where, when and how unit availability will be marketed/advertised
- ✓ How it targets those least likely to apply
- ✓ A description of outreach activities that will be utilized by the owner/manager in marketing vacant units
- ✓ For accessible units, procedures to ensure that information regarding the availability of accessible units reaches eligible persons with disabilities. Reasonable, nondiscriminatory steps must be taken to ensure that accessible units are available for persons with disabilities who need the accessibility features, such as:

**During the initial lease-up of projects**, accessible units must be marketed to the disability community and must first be offered to otherwise qualified persons with a disability who

need the features of the units. An accessible unit can only be offered to a non-disabled person if the owner/manager is unable to identify a person who needs the accessibility features within a reasonable period of time.

**For occupied projects**, when an accessible unit becomes vacant, owner/managers must take the following steps:

- **First**, the unit must be offered to a current occupant of the project who need the accessibility features of the unit;
- **Second**, the unit must be offered to a qualified applicant on the waiting list who needs the accessibility features of the unit
- **Third**, market the accessible unit to the disabled community
- **Lastly**, the unit can be offered to a non-disabled person on the waiting list if a person with a disability who needs the accessibility features is not identified during the first three steps.

If an owner/manager rents an accessible unit to a tenant who doesn't need the accessibility features of the unit, the tenant's lease **must** include a provision that requires the tenant to move to a comparable non-accessible unit if an applicant or other tenant in the property needs the accessibility features of the tenant's unit.

The Marketing Plan must remain in effect throughout the term of the project mortgage and/or period for which HUD subsidy is provided.

Other responsibilities of the owner/manager to ensure they are affirmatively furthering fair housing:

1. Include in all advertising the Equal Housing Opportunity logotype or slogan (e.g. "it is illegal to discriminate against any person because of race, color, national origin, sex, sexual orientation, gender identity or expression, religion, familial status, ancestry, source of income, marital status or disability")
2. Display a Fair Housing poster in the office or common space
3. Provide existing and potential tenants information regarding fair housing laws
4. Utilize MaineHousingSearch.org to list property and vacant unit information
5. Maintain records of advertising, telephone contacts, and other efforts used to affirmatively market units
6. Maintain records of the race, gender and ethnicity of potential tenants (Note: Supplying this information is voluntary and refusal to provide the data cannot affect a tenant's application. In the event a potential tenant refuses to supply this information, the owner/manager must supply the information to the best of his/her ability through observation).
7. Develop and maintain a list of agencies, advocacy groups, advertising media, etc. that will be used to market vacant units to people of different genders, race and ethnicity.
8. Use the waiting list to fill vacancies in units

9. Provide outreach literature in other languages or formats to prospective tenants with Limited English Proficiency or disabilities if needed.

## Available Resources

The following resources are available to assist owner/managers in being able to affirmatively further fair housing for persons with limited English proficiency or disabilities:

**Communications Access Guide:** MaineHousing guide that contains contact information/list of resources for communication with persons who have Limited English Proficiency or are hearing-impaired or vision-impaired which is available on the MaineHousing's website at <http://www.mainehousing.org/partners/partner-type/asset-management/equal> access.

**I Speak Card:** Language identification flashcard that will allow the owner/manager to identify language of choice which is available on the MaineHousing's website at <http://www.mainehousing.org/partners/partner-type/asset-management/equal> access.

**Fair Housing Posters:** Translated into 13 different languages available on the MaineHousing's website at <http://www.mainehousing.org/partners/partner-type/asset-management/equal> access.

**HUD's website:** HUD has created some outreach tools in multiple languages which are available at [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/marketing](https://www.hud.gov/program_offices/fair_housing_equal_opp/marketing).

Owner/managers are encouraged to check the HUD website for other translated materials. If you are unable to locate a particular language, please contact MaineHousing first to see if it is something we can readily access for you.

## Recordkeeping Requirements

MaineHousing will review and evaluate the owner's actions taken to affirmatively further fair housing in properties funded by MaineHousing. Owner/managers must maintain the following records which can be reviewed by MaineHousing at any time:

- All marketing for units including where the info was advertised
- Active waiting list
- Copy of Resident Selection Procedures
- Records of individuals denied tenancy with support for the denial
- Copy of the Marketing Plan along with list of outreach organizations used

MaineHousing will review the owner's affirmative fair housing marketing efforts in conjunction with the periodic scheduled management and occupancy reviews, but does reserve the right to be able to request any documentation at any time.