



**EQUAL HOUSING  
OPPORTUNITY**

**COMMUNITY DEVELOPMENT - CITY OF PASADENA**

**HOME Investment Partnership Program  
(HOME)**

**Affirmative Marketing Plan**





# Affirmative Marketing Plan

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# Affirmative Marketing Plan

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## OVERVIEW OF AFFIRMATIVE MARKETING PLAN

The City of Pasadena, Texas has adopted an Affirmative Marketing Plan (Plan) for the City's HOME Investment Partnership Program (HOME), in accordance with the U.S Department of Housing and Urban Development (HUD) regulations. The Affirmative Marketing Plan is a marketing strategy designed to ensure that all eligible persons in the housing market area are given the opportunity to apply and reside in available housing units regardless of their ethnicity, familial status, race, religion, sex, or disability status. The City of Pasadena's Affirmative Marketing Plan sets forth the affirmative marketing requirements and procedures in accordance with HOME Rule 24 CFR 92.351 (Appendix A) that shall apply to all rental and homebuyer projects containing five or more HOME-assisted units.

To further the commitment to nondiscrimination and equal opportunity in housing, affirmative marketing should be an integral part of any project's overall marketing effort. Affirmative marketing differs from general marketing activities because it specifically targets potential tenants and homebuyers who are least likely to apply for the housing, in order to inform them of available and affordable housing opportunities. The City of Pasadena's Affirmative Marketing Plan serves as a guide to assist the City of Pasadena and its recipients of federal funds of efforts to inform persons that are least likely to apply about opportunities for housing under the HOME program. The population defined as "least likely to apply" includes but is not



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limited to the handicapped, elderly, racial, ethnic and other groups or communities that might not normally seek housing assistance.

### REQUIREMENTS OF AFFIRMATIVE MARKETING PLAN

The City of Pasadena, Texas shall require applicants of projects containing five or more HOME-assisted units to comply with the following affirmative marketing requirements.

1. **Targeting:** Identify the segments of the eligible population and the community organizations that represent them.
2. **Outreach:** Prior to sales or rental activity, notify the local and county wide community contacts who serve the eligible population of the availability of HOME-assisted housing. Work through these contacts to disseminate project information and solicit applications from individuals and groups who are least likely to apply.
3. **Marketing:** Advertise available housing through local and county wide, print and electronic media outlets, including local newspapers and publications that specifically service target populations, City of Pasadena municipal channel 16, and City of Pasadena social media platforms.
4. **Commitment to Fair Housing:** Display HUD fair housing posters (Appendix B) in an area assessable to the public, such as the project or leasing office where HOME program



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clients are received. If the developer/owner creates their own posters, the posters must be written at a sixth (6<sup>th</sup>) grade reading level and visible to the public.

5. **Staff Training:** Ensure project, management, and leasing staff understand and implement the City of Pasadena Affirmative Marketing Plan requirements and procedures.
6. **Homebuyer Education:** Require potential home purchasers to receive homeownership counseling and education. This is only applicable to individuals who are purchasing a home and not renting or leasing.
7. **Tenant Protection and Selection:** All developers/owners must have a written Tenant Selection policy and criteria. In addition, the developer/owner must have a written Tenancy Termination policy. Furthermore, the lease agreement between the owner and tenant must be for a period of at least a year and not contain any of the prohibited lease terms listed in HOME Rule 24 CFR 92.253 (b) (Appendix C).

### IMPLEMENTING THE AFFIRMATIVE MARKETING PLAN

The City of Pasadena shall require recipients of HOME funds to comply with the following procedures for affirmative marketing and outreach efforts.

1. Comply with the guidelines established in [\*HOME Rental Projects: A Guide for Property Owners\*](#).

2. Issue press releases and public service announcements about the availability of units. These advertisements shall include information regarding the location of the units, total number of available units, bedroom sizes of units, unit rent or purchase price, income requirements and limits, building amenities and features, and potential neighborhood amenities.
3. Advertisements for housing availability, including project descriptions and applications, shall be made available in two (2) languages, English and Spanish. Upon request, advertisements shall also be provided in one (1) additional language based on the market area demographics. These advertisements shall also include the following statement: **“Eligibility will not be based on ethnicity, familial status, race, religion, sex, or disability status”**.
4. All project advertising, including applications, media notices and newsletters, shall display the HUD Equal Housing Opportunity logo and the phrase “Equal Opportunity Housing”. The logo shall not be used without the slogan at any time.





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5. Attend the City of Pasadena Program Year Workshop, sponsored by the Community Development Department.

### **DOCUMENTING OUTREACH ACTIVITIES**

Developers/owners using HOME funds shall establish a system for documenting affirmative marketing and outreach activities and maintaining records of these activities. At a minimum, the following project documentation shall be collected and maintained throughout the federal affordability period of the project. For homebuyer assistance and homeowner rehabilitation, this Plan must remain in effect until HOME-funded activities are completed. For single family homeownership dwellings, this Plan must remain in effect until all the dwelling units are sold.

1. Outline a strategy that identifies, targets and markets to individuals and groups deemed least likely to apply. If applicable, include the population they represent (i.e. African American, Latino, Handicapped/Disabled). Show how the individuals and groups were identified.
2. Maintain a list of newspaper and media outlets used to disseminate advertising.
3. Record dates for all publications and maintain copies of all public advertisements, brochures, leaflets, etc.



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4. Maintain a list of local and county wide organizations, groups or contacts, including their contact names and addresses, who were contacted and/or given information about the available housing.
5. Document communication efforts with these area wide community organizations and/or groups, including name of contact person, dates of outreach, method of outreach, and copies of any advertising materials distributed.
6. Document training dates and materials provided to train project, management and leasing staff on affirmative fair marketing.
7. Maintain a list that includes the ethnicity, familial status, disability status, and race of all individuals who visited the project.
8. Maintain a list that includes the ethnicity, familial status, disability status, and race of all individuals who submitted applications for housing.

### **COMPLIANCE AND RECORD KEEPING**

The developer/owner shall collect and maintain all records and documentation of affirmative marketing and outreach activities in a dedicated project file(s). Additionally, the City of Pasadena shall require the developer/owner to collect and maintain records documenting income, family size and ethnicity of families residing in the HOME-assisted units for the duration of the federal period of affordability.





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The City of Pasadena shall be allowed to access and review the Documenting Outreach records, to determine if the developer/owner has complied with the Affirmative Marketing Plan or has made a good faith effort to comply with the Affirmative Marketing Plan. “Good faith efforts” are recorded activities and documented outreach to those individuals or groups considered least likely to apply.

The data and records collected and maintained will also be used to assess the effectiveness of the City of Pasadena’s Affirmative Marketing Plan. The effectiveness of the Plan will be determined by confirming if the Plan requirements and procedures successfully attracted buyers and renters who include but are not limited to the following:

- a. Underrepresented in the population of the housing market area where the HOME program will be operated;
- b. Persons with disabilities and their families;
- c. Families with children, unless exempted; or
- d. Members of a protected class.

The City of Pasadena Community Development Department shall review the Plan on an annual basis to determine if changes need to be made to the Plan. At a minimum, the Plan shall be updated every five (5) years to fully capture the demographic changes in the housing market area.



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## **CORRECTIVE ACTION**

All applicants are required to comply with the City of Pasadena Affirmative Marketing Plan. The City of Pasadena reserves the right to disqualify a developer/owner from future participation in the HOME Program if they consistently fail to demonstrate a good faith effort to comply with the requirements and procedures of the Affirmative Marketing Plan.



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HOME Final Rule 24 CFR 92.351

§ 92.351 Affirmative marketing; minority outreach program.

(a) *Affirmative marketing.*

(1) Each participating jurisdiction must adopt and follow affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing requirements and procedures also apply to all HOME-funded programs, including, but not limited to, tenant-based rental assistance and downpayment assistance programs. 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. If participating jurisdiction's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with § 92.253(d)(3), the participating jurisdiction must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

(2) The affirmative marketing requirements and procedures adopted must include:

(i) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the participating jurisdiction's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups);

(ii) Requirements and practices each subrecipient and owner must adhere to in order to carry out the participating jurisdiction's affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);

(iii) Procedures to be used by subrecipients and owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing program or the housing without special outreach (e.g., through the use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);

(iv) Records that will be kept describing actions taken by the participating jurisdiction and by subrecipients and owners to affirmatively market the program and units and records to assess the results of these actions; and

(v) A description of how the participating jurisdiction will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.

(3) A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.

(b) *Minority outreach.* A participating jurisdiction must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and



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women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. Section 85.36(e) of this title describes actions to be taken by a participating jurisdiction to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.

[[61 FR 48750](#), Sept. 16, 1996, as amended at [78 FR 44678](#), July 24, 2013



# Affirmative Marketing Plan

U. S. Department of Housing and Urban Development



**EQUAL HOUSING  
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair  
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person  
Because of Race, Color, Religion, Sex,  
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

U.S. Department of Housing and  
Urban Development  
Assistant Secretary for Fair Housing and  
Equal Opportunity  
Washington, D.C. 20410

Previous editions are obsolete

form HUD-928.1 (6/2011)

U. S. Department of Housing and Urban Development



## IGUALDAD DE OPORTUNIDAD EN LA VIVIENDA

Conducimos nuestros negocios de acuerdo a la Ley Federal de Vivienda Justa

*(Acta de enmiendas de 1988 de la Ley Federal de Vivienda Justa)*

**Es ilegal discriminar contra cualquier persona por razon de su raza, color, religion, sexo, incapacidad fisica o mental, la presencia de niños menores de 18 años o de mujer embarazada en su familia o su origen nacional**

- En la venta o renta de vivienda y terrenos residenciales
- En los servicios de corretaje que prestan vendedores de vivienda
- En los anuncios de venta o renta de vivienda
- En la valoracion de vivienda
- En la financiamiento de vivienda
- Tambien es ilegal forzarle a vender o rentar su vivienda diciendole que gente de otra raza, religion o grupo etnico se estan mudando en su vecindario
- Amenazar o interferir con la persona para que no registre su queja

Cualquier persona que sienta que fue discriminada debe de enviar su queja de discriminacion:

1-800-669-9777 (llamada gratis)  
1-800-927-9275 (TDD llamada gratis)

U.S. Department of Housing and Urban Development  
Assistant Secretary for Fair Housing and Equal Opportunity  
Washington, D.C. 20410

Previous editions are obsolete

form HUD-928.1A (2/2003)



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### HOME Rule 24 CFR 92.253

#### §92.253 Tenant protections and selection.

(a) *Lease*. There must be a written lease between the tenant and the owner of rental housing assisted with HOME funds that is for a period of not less than one year, unless by mutual agreement between the tenant and the owner a shorter period is specified.

(b) *Prohibited lease terms*. The lease may not contain any of the following provisions:

(1) *Agreement to be sued*. Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;

(2) *Treatment of property*. Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law;

(3) *Excusing owner from responsibility*. Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;

(4) *Waiver of notice*. Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

(5) *Waiver of legal proceedings*. Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

(6) *Waiver of a jury trial*. Agreement by the tenant to waive any right to a trial by jury;

(7) *Waiver of right to appeal court decision*. Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;

(8) *Tenant chargeable with cost of legal actions regardless of outcome*. Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses; and

(9) *Mandatory supportive services*. Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

(c) *Termination of tenancy*. An owner may not terminate the tenancy or refuse to renew the lease of a tenant of rental housing assisted with HOME funds, except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing or failure to follow any required transitional housing supportive services plan; or for other good cause. Good cause does not include an increase in the tenant's income or refusal of the tenant to purchase the housing. To terminate or refuse to



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renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

(d) *Tenant selection.* An owner of rental housing assisted with HOME funds must comply with the affirmative marketing requirements established by the participating jurisdiction pursuant to §92.351(a). The owner must adopt and follow written tenant selection policies and criteria that:

(1) Limit the housing to very low- income and low-income families;

(2) Are reasonably related to the applicants' ability to perform the obligations of the lease (i.e., to pay the rent, not to damage the housing; not to interfere with the rights and quiet enjoyment of other tenants);

(3) Limit eligibility or give a preference to a particular segment of the population if permitted in its written agreement with the participating jurisdiction (and only if the limitation or preference is described in the participating jurisdiction's consolidated plan).

(i) Any limitation or preference must not violate nondiscrimination requirements in §92.350. A limitation or preference does not violate nondiscrimination requirements if the housing also receives funding from a Federal program that limits eligibility to a particular segment of the population (e.g., the Housing Opportunity for Persons with AIDS program under 24 CFR part 574, the Shelter Plus Care program under 24 CFR part 582, the Supportive Housing program under 24 CFR part 583, supportive housing for the elderly or persons with disabilities under 24 CFR part 891), and the limit or preference is tailored to serve that segment of the population.

(ii) If a project does not receive funding from a Federal program that limits eligibility to a particular segment of the population, the project may have a limitation or preference for persons with disabilities who need services offered at a project only if:

(A) The limitation or preference is limited to the population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain housing;

(B) Such families will not be able to obtain or maintain themselves in housing without appropriate supportive services; and

(C) Such services cannot be provided in a nonsegregated setting. The families must not be required to accept the services offered at the project. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided in the project.

(4) Do not exclude an applicant with a certificate or voucher under the Section 8 Tenant-Based Assistance: Housing Choice Voucher Program (24 CFR part 982) or an applicant participating in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document.

(5) Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and





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(6) Give prompt written notification to any rejected applicant of the grounds for any rejection.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61756, Oct. 1, 2002; 78 FR 44674, July 24, 2013]



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## ACKNOWLEDGEMENT STATEMENT

I, \_\_\_\_\_, have received a copy of  
[Print Name]

the City of Pasadena, Texas Affirmative Marketing Plan. I understand the purpose of the Affirmative Marketing Plan is to advance and certify my commitment to nondiscrimination and equal opportunity in housing in accordance with the regulations of the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (HOME).

By my signature below, I acknowledge, accept and agree to comply with the policies and procedures outlined in the Affirmative Marketing Plan.

\_\_\_\_\_  
Developer/Owner, or Equivalent Signature

\_\_\_\_\_  
Date