

**Auburn HOME Consortium  
Cities of Auburn-Lewiston**

**Fair Housing and Affirmative Marketing Policy**

**I. Introduction.**

The HOME Consortium serves the Cities of Lewiston and Auburn, Maine (Consortium). This Fair Housing and Affirmative Marketing Policy applies to any entity receiving money from the Consortium for new construction and rehabilitation of 5 or more homeownership and rental units. This policy furthers the Consortium's commitment to non-discrimination and equal opportunity in housing.

In an effort to comply with the Federal, State and Local Fair Housing Laws and regulations, the Consortium will play an active role in providing its housing partners with the information needed to effectively implement these regulations into the HOME sponsored activities.

In general, these laws:

- Prohibit discrimination in housing and housing related activities by the Consortium members and its housing partners;
- Require Consortium to affirmatively further fair housing;
- Prescribe design and construction standards to ensure equal access to housing by persons with disabilities;
- Promote the use of minorities and women, and minority and women owned business enterprises in Federally funded contracting opportunities;
- Encourage the creation of employment opportunities for low-income residents of neighborhoods where HOME Program activities are undertaken; and
- Require the implementation of affirmative marketing strategies and outreach to those segments of the populations identified as least likely to apply for the housing without such outreach.<sup>1</sup>

The applicable laws are HOME Program 24 CFR Part 92 requiring Consortium to create policy and guidance to its housing partners; The Fair Housing Act 24 CFR Part 100 enacted in 1964 and amended in 1988, which prohibits discrimination against the protected classes listed; Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based upon disability in federally subsidized projects; Americans with Disability Act (ADA) which expands the prohibition against persons with disabilities to any project not just those that are federally funded; Age Discrimination Act of 1973 which prohibits discrimination based upon age; State and Local Fair Housing Requirements which expands the protected classes to include sexual preference as a protected class and Outreach laws which include Section 3 of the U.S. HUD Act of 1968 which encourages recruitment and employment of low-income

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<sup>1</sup> Understanding the Basics. U.S. Department of Housing and Urban Development Office of Community Planning. Pg 13. HUD-2005-10-CPD. May 2005

individuals; and Minority Business Enterprises and Women Business Enterprise (MBE/WBE) as described in the procurement regulation for the notification and solicitation of MBE/WBE contractors in 24 CFR 85.36(e) as incorporated into the HOME regulation at 24 CFR 92.351(b).

## **II. Fair Housing and Affirmative Marketing Policy and Procedures Statement.**

The following is the Affirmative Marketing Plan for the Consortium. Developers and owners of rental and homeownership projects of 5 or more units who receive HOME funds will be required to adhere to the affirmative marketing procedures. In addition, this document is affirmation of the L-A HOME Consortium's commitment to ensure that:

- Developers/Owners of rental and home ownership projects (5 or more units) receiving HOME funds adhere to affirmative marketing procedures.
- Developers/owners that receive HOME funding have maintained appropriate records to demonstrate compliance with this statement of policy and procedures.
- The Consortium's practices of citizen participation and outreach for HOME projects are inclusive of minority, women and disabled populations.
- The success of the Consortium's affirmative marketing actions are assessed for quality, monitored for compliance and amended as needed at least annually.

The following describes the policies and methods the Consortium will implement to administer its HOME Program:

### **# 1: Inform the public, housing owners, and the tenants about Fair Housing laws**

1. The Consortium shall include the Fair Housing & Affirmative Marketing Statement as well as the Equal Housing Opportunity (EHO) logo in the HOME program agreement for each project funded with the exception of direct assistance to home buyers and Lease/Buy participants.
2. The Consortium shall include a statement of Fair Housing & Affirmative Marketing Statement and EHO logo in all advertisements for direct assistance to home buyers and Lease/Buy participants.
3. The Cities shall actively pursue the outreach activities established by their respective Analysis of the Impediments to Fair Housing, including:
  - a. Educating landlords about fair housing issues;
  - b. Improving communications for people with limited English proficiency;
  - c. Increasing understanding of people with mental illness.

### **#2: Owners of rental and home ownership projects receiving HOME funds shall adhere to affirmative marketing procedures.**

The developer/owner shall complete HUD Form 935.2 entitled "Affirmative Fair Housing Marketing Plan" (Attachment 1) to the HOME Program Participating Jurisdiction (PJ) for approval. This will form the basis of the Affirmative Marketing Plan for the project.

The developer and/or owner agrees to the following signifying their commitment to the following:

1. Include the equal housing opportunity logo and the words “Equal Housing Opportunity” in all advertisements.
2. Notify organizations representing minorities and disabled individuals regarding the housing programs.
3. Announce rental and home ownership opportunities in local newspapers including, at a minimum, the *Leviston Sun Journal*.
4. Comply with Section 3 Regulations in all construction activities, as applicable.
5. Maintain documentation of their affirmative marketing efforts.
6. Comply with all applicable federal, state and local laws to affirmatively market and promote fair housing.
7. Provide translated material if the Consortium has determined there is opportunity to reach non-English speaking people that would be denied housing opportunity without such translation.

**#3: The Developer shall maintain and provide evidence to demonstrate compliance with this statement of policy and procedures.**

Examples of proper documentation shall include, but are not limited to the following:

1. Copies of newspaper advertisements; or a citation of the advertisement used on radio or television.
2. Copies of correspondence with organizations representing minorities, disabled individuals, and women
3. Brochures, posters, and other printed advertisements and notices including the manner of distribution;
4. Information on minorities, disabled individuals, and women assisted by the project in a format provided by the PJ.

**#4: The Consortium’s practices of citizen participation and outreach for HOME projects are inclusive of minority, women and disabled populations.**

There are two distinct parts of citizen participation and outreach. 1) The first part involves the consortium’s commitment to promote fair housing and affirmative marketing to the tenants (women, minority and disabled). The second section includes the Consortium’s commitment to encouraging developers/owners of minority and women owned businesses to become actively involved in HOME funded projects.

1. The Consortium shall promote access to fair housing and affirmative marketing to the tenants (women, minority and disabled) in the following manner:
  - a. Include the Equal Housing Opportunity logo and the words “Equal Housing Opportunity” in all advertisements.
  - b. Notify organizations representing minorities, and disabled individuals regarding the housing programs.

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- c. Announce program opportunities in local newspapers including, at a minimum, the *Lewiston Sun Journal*.
- d. Provide translated material if determined that there is opportunity to non-English speaking people would be denied without such translation.
- e. Ensure accessibility to people with disabilities of program related staff and program related meetings.
- f. Maintain documentation of all program outreach efforts.

2) The Consortium shall encourage developers/owners of minority and women owned businesses to become actively involved in HOME funded projects. The consortium will:

- a. Contact the State of Maine Office of Economic Development or Department of Transportation to identify MBEs and WBEs in Maine.
- b. Require the developer to contact MBEs and WBEs to participate as vendors and suppliers of goods and services;

**# 5: The success of the Consortium's affirmative marketing actions are assessed for quality, monitored for compliance and amended as needed at least annually.**

The Consortium will annually assess the effectiveness of the affirmative marketing policies and procedures by:

1. Reviewing documentation of affirmative marketing provided by the developer/owners, and documentation by the Consortium.
2. Solicit input from organizations representing minorities, disabled individuals, and women as to the effectiveness of outreach to those they represent.
3. Completing the annual report and including it in the CAPER.
4. Recommending modifications to the Affirmative Marketing Plan based on the review.

### **III. Funding Considerations.**

The Consortium's decision to fund a development proposal shall be based, in part on the following:

1. Whether the development is suited to allow accessibility to people with mobility impairments.
2. That the development is not located in an area of minority concentration.
3. That the housing will be accessible to social, recreation, education, commercial, and health facilities.

### **IV. Noncompliance by HOME Participants.**

The Consortium shall assess the performance of project developers/owners to affirmatively market original and vacant units, based on records provided by the developer/owner. If the developer/owner fails to meet minimum requirements, the Consortium will work with the developer/owner to improve the performance. If there is continued non-compliance, the

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Consortium will consider disqualifying that developer/owner from further HOME program participation.

**V. Questions.**

For any questions regarding this Plan contact the following: HOME Program staff designee for the City of Auburn and the City of Lewiston:

Community Development Dept.  
City of Auburn  
60 Court Street, Suite 344  
Auburn, ME 04210  
Office: 207-333-6600

Community Development Dept.  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240  
Office: 207-784-2951