



Affirmative Marketing Guidelines for SHRA-funded Residential Properties

Introduction

Federal law requires that all recipients of federal funds for housing construction, redevelopment, and rehabilitation comply with affirmative marketing requirements.¹ Developers receiving funds from SHRA, whether federal or local/bond funds, must adopt affirmative marketing practices.

The purpose of an **affirmative marketing plan**, is to establish a marketing strategy to attract income-eligible prospects and demographic groups who might not normally seek housing in their project. Affirmative marketing does not limit choices; choices are expanded to include those that might not otherwise apply or be considered because of past discrimination in housing choice.

This document provides direction for affirmative marketing—a developer’s “tool kit for affirmative marketing”—based on industry best practices.

Developer Affirmative Marketing Tool Kit

1 . Identify and Review target populations for marketing

The first step in developing an affirmative marketing plan is to identify income-eligible target populations—i.e., those who would qualify for tenancy based on household income. Where there are differences between the income-eligible population groups and typical applicants, developers should identify these segments as those least likely to apply for housing without affirmative marketing efforts.

At a minimum, developers should analyze data to determine differences in the demographics of the neighborhood in which the development is being built and demographics of the region to ensure that marketing is inclusive of all potential applicants. This section details how to obtain data to conduct that analysis.

¹ 24 CFR § 92.351: <https://www.law.cornell.edu/cfr/text/24/92.351>

The Fair Housing Act: <https://www.justice.gov/ct/fair-housing-act-2>

Executive Order 11063: <https://www.archives.gov/federal-register/codification/executive-order/11063.html>

Section 504 of the Rehabilitation Act of 1973: <https://www.dol.gov/oasam/regs/statutes/sec504.htm>



1.a. Identify neighborhood population characteristics

Search www.census.gov/programs-survey/acs for the table number shown below to pull demographic data for the Census tract in which the property is located. If needed, the Census tract can be determined through an internet search of the property address. Comparative regional data can typically be found in an Analysis of Impediments to Fair Housing Choice report (see 1b).

Population Characteristics	ACS/Census Data Table Number	Geography typically available and used for analysis
Race	B02001	Census Tract
Hispanic/Latino	B03002	Census Tract
Disability population	S1810	Census tract

Review the differences in demographics—race, ethnicity, disability status—of the neighborhood where the property is located and the region overall. Are there meaningful differences? A meaningful difference is typically defined as a +/- 10 percentage point difference in urban/suburban areas. If there are meaningful differences, this suggests that regional populations should receive affirmative marketing outreach.

For example, if the neighborhood is 10 percent Hispanic/Latino and the region is 30 percent Hispanic/Latino, affirmative marketing could include ads with Hispanic/Latino models, a booth at Cinco de Mayo festivals, and direct outreach to Hispanic/Latino Churches.

1.b. Review the most recently available studies of barriers to housing choice, such as the Regional Analysis of Impediments to Fair Housing Choice or Assessment of Fair Housing component of the Housing Element, and Disproportionate Needs data in Consolidated Plans to:

- 1) Identify characteristics of households with disproportionate housing needs,
- 2) Identify characteristics of households who have experienced involuntary displacement, and,
- 3) Identify populations for affirmative marketing of homeownership products.

1.c. Based on your analysis in parts 1.a. and 1.b. document your planned outreach and complete the Affirmative Marketing Plan questionnaire, which is attached to this policy.



2. Develop marketing strategies and materials.

2.a. Develop affirmative marketing ads and messaging.

Like traditional marketing for leasing or home sales, affirmative marketing messaging should attract members of the target population to the property. Marketing messaging should include the following principles

- The advertising should convey an easily understood message that the target groups are welcome in the area in which the proposed project is located. When reviewing the messaging, ask: “Does this ad suggest that the development will be restricted to persons of a particular race, color, creed, sex, religious affiliation or national origin, or that families with children and persons with disabilities would feel unwelcome?”
- Use both majority and minority models in pictorial advertising. Advertising should avoid overly gender-stereotyped roles.
- The advertising may feature units that have been made accessible to individuals with disabilities or use other methods to convey the message that individuals with disabilities can fully enjoy the project’s services and facilities on the same basis as individuals without disabilities, and that reasonable accommodations can be made;
- Languages other than English should be used as deemed necessary (based on the target population analysis) to effectively communicate with target populations with Limited English Proficiency; and
- The Equal Housing Opportunity Logo should be displayed on all advertising materials.

2.b. Conduct affirmative marketing advertising and outreach through community organizations, service providers, and faith-based organizations serving target populations.

Develop a list of community papers, news outlets (e.g., Spanish radio programs, minority-owned media), and trusted community organizations, including faith communities, that reach the target populations identified above. Best practices for outreach include:

- Advertising on community organization websites, social media pages, newsletters, worship service bulletins or other communications sent from the organization to the community;
- Posting flyers, applications, or other visual materials in organization or service provider waiting rooms, community boards, etc;
- Participating in or advertising on podcasts, facetime interviews, or other community conversations;
- Advertising or sponsoring events likely to attract high proportion of target population residents;
- Hosting lease up or sales events at community locations or during community events; and



- Asking community organizations for their advice on how best to let their consumers know about the housing opportunity and following that advice.

Ideas for types of organizations to contact to reach target populations:

- Organizations serving low income families and individuals (e.g., Boys & Girls Clubs, elementary schools with a high proportion of Free/Reduced Lunch children attending the school, public recreation centers and libraries in low income or racially or ethnically concentrated neighborhoods, before and after school programs, HeadStart childcare providers);
- Organizations serving people with disabilities (e.g., Resources for Independent Living, Alta California Regional Center, Disability Rights California, ARC, Society for the Blind, California Association for the Deaf, etc.);
- Places of worship whose congregations/members are members of target populations (e.g., services held in languages other than English, located in a racially or ethnically concentrated neighborhood);
- Organizations serving refugees and immigrants; and
- Cultural organizations and celebratory cultural events (e.g., cultural community resource centers, international festivals, Juneteenth and Cinco de Mayo celebrations, Native American events, Chinese New Year celebrations).

2.c. Complete the Affirmative Marketing Plan, which contains a sample Outreach tool.

2.d. Evaluate barriers to submitting applications.

After you have identified the geographic areas from which target populations will be drawn, conduct an internal assessment of how well your application-acceptance policies will accommodate their needs. Advertisements must indicate a specific time-frame for which applications will be accepted, the date of when the lottery will be conducted, the total number of applications that will be selected for processing and the prospective waitlist from the applicants not selected for processing.

2.e. Conduct a lottery to process applications(Aproximately 90 days prior to obtaining Certificate of Occupancy (CO)).

An online and paper lottery process must be used to accept applications. Applications cannot be accepted in a “first come first serve” method. The purpose of a lottery is to ensure that applicants who have inflexible work schedules, need to balance family/caregiver obligations, or who have a disability that inhibits full mobility are not unfairly treated in the process.

Notify applicants of selection process and waitlist position in writing.

The lottery selection process can be developed using free tools online.

Exceptions to the lottery include: special needs housing where referrals are from a social service provider or Coordinated Entry System and developments with three units and fewer.

3. Timing of affirmative marketing activities.

A minimum marketing period of 120 days is required. A sample, ideal timeframe for marketing activities could include:

During construction. Conduct the analysis (item 1.) to identify target populations for affirmative marketing.

150 days before expected certificate of occupancy (CO). Contact the community contacts and organizations identified as resources for attracting persons who are “least likely to apply” for the housing. Inform them of the date that applications will be accepted and how to submit an application along with the date the lottery will be conducted.

120 days before expected certificate of occupancy (CO). Begin collecting completed application.

90 days before expected certificate of occupancy (CO). Conduct the lottery and notify successful applicants and complete certification process within 2 weeks of notification.

Beyond lease up. Affirmative marketing must continue after initial lease up or sales are complete and must be paired with all mainstream (non-targeted) marketing efforts. For example, if the property is regularly advertised in mainstream publications it must also be regularly promoted using Affirmative Marketing methods and messaging. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold. Target population analysis must be re-examined every five years.

4. Assess appropriateness of the Affirmative Marketing.

Annually, review the demographics of tenants or unit owners. If one or more target groups are not represented, adjust the affirmative marketing plan to make the affirmative marketing efforts more effective. Refine Column 3 of the Affirmative Marketing Outreach Table upon completion of lease up and once per year for existing properties.

5. Maintain Appropriate File Documentation

Maintain an “affirmative marketing file” for each development with :

- Copies of advertisements, social media posts, letters to community contacts;
- Photographs of project signs (e.g., promoting people experiencing living in the property);
- A copy of instructions used to train sales/rental staff on Fair Housing laws;



- Analysis of the effectiveness of affirmative marketing practices.

Reporting affirmative marketing efforts.

Developers will report their procedures to SHRA using SHRA-provided forms. All owners or developers must complete and submit an Affirmative Marketing Compliance form to SHRA. The “Affirmative Marketing Plan” form is to be completed prior to construction. The “Affirmative Marketing Compliance” form is to be submitted annually thereafter.

Ongoing. Monitor your applicant pool against the eligible applicants identified in the initial formation of your affirmative marketing plan. Adjust the plan as needed to better attract eligible applicants missing from the applicant pool. Complete the Affirmative Marketing Compliance Questionnaire annually.

