

## NYS HOME Program

### Fair Housing - Equal Opportunity- Affirmative Marketing Policy

No person shall, on the grounds of lawful source of income, age, creed, race, color, sex, sexual orientation, gender identity or expression, national origin, marital or familial status, disability, or military status be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part with Federal Home Investment Partnership Program (HOME Program) funds. The New York State HOME Program Fair Housing-Equal Opportunity-Affirmative Marketing Policy ensures nondiscriminatory treatment, outreach and access to program resources for all HOME Program assisted beneficiaries.

Awardees of NYS HOME Program funds (*known as Local Program Administrators or LPAs*) must comply with all federal, New York State, and local laws, executive orders and regulations pertaining to Fair Housing and Equal Opportunity. These include, but are not limited to:

***Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.)*** which states that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.

***The Fair Housing Act (42 U.S.C. 3601-3620)*** prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, disability or familial status.

***Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259)*** prohibits discrimination against individual on the basis of race, color, religion, sex or national origin in the sale, rental, leasing, or other disposition of residential property or in the use or occupancy of housing assisted with Federal funds.

***Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107)*** prohibits age discrimination in programs or activities receiving Federal Financial Assistance.

***New York State Human Rights Law (N.Y. Exec. Law 290 et seq.)*** prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of lawful source of income, age, creed, race, color, sex, sexual orientation, gender identity or expression, national origin, marital or familial status, disability, or military status.

***New York State Criminal Conviction & Credit Individualized Assessment Policy*** requires that applicants to NYS Homes and Community Renewal (HCR)-funded affordable housing not be automatically barred admission due to their criminal history or credit, and requires that housing providers conduct an individualized assessment before denying an applicant admission on the basis of their criminal history or credit. Individualized Assessment Worksheet and Guidance available here: <https://hcr.ny.gov/marketing-plans-policies#credit-and-criminal-convictions-assessment-policies>

This Policy requires LPAs to develop an Affirmative Marketing Plan that relies on local knowledge and decision making in order to determine the best strategies for compliance.

**Affirmative Marketing Requirements:**

- A. 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 their protected status under federal and New York State fair housing laws.
  
- B. Each funded HOME Program must have and follow an Affirmative Marketing Plan consistent with federal and New York State fair housing laws. The plan must define the affirmative marketing procedures that will take place to provide information and otherwise attract eligible persons in the program or project service area to the available housing or assistance without regard to their protected status under federal and New York State fair housing laws. Required elements of the plan include, but are not limited to:
  - i. Identification of those persons across the protected classes that are expected to be “least likely to apply.”
  - ii. Description of how the LPA will inform the public, owners and potential tenants and participants about fair housing laws and the LPA’s affirmative marketing policy.
  - iii. Description of specific procedures or activities that the LPA will employ to affirmatively market housing assisted with HOME Program funds. The LPA must describe what actions will be taken to inform and solicit applications from those “least likely to apply” without special outreach.
  - iv. The LPA must maintain records to document actions taken to affirmatively market the HOME Program assisted units and to assess the marketing effectiveness.
  - v. Description of how the LPA will assess the results of the affirmative actions and make corrective actions if necessary.
  
- C. If the program is targeted to a special need or population, the Plan should describe:
  - i. How the program will be marketed across all protected classes within the special need preference.

- ii. If the program targets persons with disabilities, how the program will be marketed to all disabilities (however, advertisements can identify the specific services available based on the targeted disability).
- D. Rental Projects: each HOME funded rental project of 5 or more units must have and follow an Affirmative Fair Housing Marketing Plan (AFHMP) consistent with HCR guidelines and requirements as found on HCR's website for its Fair and Equitable Housing Office (FEHO), and the HOME regulations at 24 CFR 92.351.
- i. The AFHMP template fillable form is available on HCR's FEHO website at <https://hcr.ny.gov/marketing-plans-policies>. This fillable form is completed by the LPA and once approved by FEHO, becomes the AFHMP.
  - ii. The AFHMP must be approved by FEHO and marketing/tenant selection may not proceed without this approval.
  - iii. The AFHMP must be submitted to FEHO prior to the date assigned for completion of housing rehabilitation or new construction; at least 150 days in advance for projects with 20 or more units and 120 days in advance for projects with 5 to 19 units.