

Fair Housing and Equal Opportunity: Affirmative Marketing and Outreach

Approved by the Membership Council on: August 7, 2017.

Effective Date: August 7, 2017.

A. Regulatory Citations

- [24 § 578.93 \(c\)](#)
- [24 § 578.103 \(a\) \(14\)](#)
- [24 § 576.407 \(b\)](#)
- [24 § 576.500 \(S\) \(1\)](#)
- [24 CFR 5.105 \(a\)\(2\)](#)
- [CPD Notice-1701](#)
- [Executive Order 13166](#)

B. Background

The CoC Program interim rule at 24 CFR 578.93(c) requires recipients of CoC Program funds to affirmatively further fair housing and market their housing and supportive services to eligible persons regardless of race, national origin, color, religion, sex, age, familial status, or disability who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities according to 24 § 578.103 (a) (14). Housing assisted by HUD and made available through the CoC must also be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status in accordance with 24 CFR 5.105 (a)(2). Affirmative outreach requirements for the ESG program are located at 24 CFR § 576.407(b) and its record keeping requirements at 24 § 576.500 (S)(1)

C. Definitions

Affirmatively Furthering Fair Housing

“means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.”

Meaningful Actions

“means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.”

D. Specific Requirements for CoC Funded Programs

- 24 § 578.93 (c) *Affirmatively furthering fair housing*. A recipient must implement its programs in a manner that affirmatively furthers fair housing, which means that the recipient must:
 - 1) *Affirmatively market* their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability who are least likely to apply in the absence of special outreach, and *maintain records* of those marketing activities;
 - 2) Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and
 - 3) Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

- 24 § 578.103 (a) (14) *Recordkeeping requirements*. Recipients and subrecipients must maintain copies of their marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with the requirements in § 578.93(c).

E. Requirements for ESG Funded Programs

- 24 § 576.407 (b) *Affirmative outreach*. The recipient or subrecipient must
 - Make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis.
 - If it is unlikely that the procedures that the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services.
 - Take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities.
 - Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

- 24 § 576.500 (S)(1) *Other Federal requirements*. The recipient and its subrecipients must document their compliance with the Federal requirements in § 576.407, as applicable, including: (1) Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a), including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements in § 576.407(b).

F. Requirements for *both* CoC and ESG Funded Programs

24 CFR 5.105 (a)(2) - Equal access to HUD-assisted or insured housing. (i) Eligibility for HUD-assisted or insured housing. A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

G. Affirmative Outreach and Marketing strategies

CoC and ESG funded programs must develop in writing, implement and document procedures used to market services to eligible persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, familial status, or disability who are least likely to apply in the absence of special outreach. Specific strategies or procedures may include but are not limited:

- **Partnerships** - creating partnerships or referral relationships with diverse community based agencies or non-profits to ensure all persons including persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, familial status, or disability status or limited English proficiency receive information about the offered services.
- **Access to persons with limited English proficiency.** To ensure meaningful access to persons with limited English proficiency programs should 1) translate documents advertising assistance, services, and contact information into other languages common in our community, including notices about participant's rights, grievance forms and other documents vital for program access and, 2) work with language services or pool of interpreters to assist persons who speak an alternate primary language other than English and need assistance communicating.
- **Inclusive Outreach** - ensuring that current methods of outreach, including street outreach are conducted on a regularly basis, and reach all potentially eligible households in our entire county geography, especially those least likely to apply for assistance and ensure efforts do not intentionally or unintentionally exclude protected groups & classes.
- **Using Data and Self-Assessment** – programs should 1) perform a self-assessment or survey a program's target population to determine its awareness of the program's services and assistance, 2) consistently evaluate a program's service data to ensure the program knows whether certain groups are under-represented, and 3) if data analysis reveals that certain groups are under-represented, determine the reasons causing the under-representation and take actions to address them.
- **Accessible documents** - making documents accessible by online tools used by persons with visual and hearing impairments, such as screen readers.
- **Client's Rights:** programs should provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.
- **Documentation:** all programs must 1) maintain records of actions taken to

affirmatively market the program including copies of all marketing & outreach materials and written strategies and 2) maintain records to assess the results of those actions.