



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: June 29, 2022

Department: Board of Commissioners Agenda Planning Date: Time required: 15 min

Audio/Visual aids: PowerPoint

Contact: Tim Glisson Phone: 503-302-4700

Department Head Signature:

TITLE: Multiple Resolutions approving Community Development Block Grant/HOME Investment Partnerships Program Manuals/Policies/Plans/and or Procedures

Issue, Description & Background: Under the Federal Community Development Block Grant and HOME Investment Partnerships Program Marion County must have various written manuals/policies/procedures/plans to administer its program. The required list include the following: Resolution approving the Community Development Block Grant Program Manual the CDBG Program Manual for Public Services the CDBG Acquisition and Construction Projects Program Manual Resolution approving the HOME Program Policy and Procedure Manual Resolution approving the Affirmative Marketing Policy Resolution approving the Violence Against Womens Act Transfer Plan Resolution approving the Residential Anti-Displacement and Relocation Assistance Plan (RARAP) Resolution approving the Limited English Proficiency Plan (Language Access Plan) Resolution approving the Section 3 Plan

Financial Impacts: none

Impacts to Department & External Agencies: none

Options for Consideration: A.) Approve each Resolution B.) Do Not Approve each Resolution

Recommendation: Recommend Approval of each Resolution

List of attachments: Resolutions for each Program Manual/Policy/Plan and or Procedure

Presenter: Tim Glisson

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

This content is from the eCFR and is authoritative but unofficial.

Title 24 - Housing and Urban Development

Subtitle A - Office of the Secretary, Department of Housing and Urban Development

Part 92 - Home Investment Partnerships Program

Authority: 42 U.S.C. 3535(d), 12 U.S.C. 1701x and 4568.

Source: 61 FR 48750, Sept. 16, 1996, unless otherwise noted.

Subpart H Other Federal Requirements

§ 92.350 Other Federal requirements and nondiscrimination.

§ 92.351 Affirmative marketing; minority outreach program.

§ 92.352 Environmental review.

§ 92.353 Displacement, relocation, and acquisition.

§ 92.354 Labor.

§ 92.355 Lead-based paint.

§ 92.356 Conflict of interest.

§ 92.357 Executive Order 12372.

§ 92.358 Consultant activities.

§ 92.359 VAWA requirements.

Subpart H - Other Federal Requirements

§ 92.350 Other Federal requirements and nondiscrimination.

- (a) The Federal requirements set forth in 24 CFR part 5, subpart A, are applicable to participants in the HOME program. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; drug-free work; and housing counseling.
- (b) The nondiscrimination requirements at section 282 of the Act are applicable. These requirements are waived in connection with the use of HOME funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

[62 FR 28930, May 28, 1997, as amended at 81 FR 90657, Dec. 14, 2016]

§ 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 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 200.321 of title 2 Code of Federal Regulations 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; 80 FR 75935, Dec. 7, 2015]



O R E G O N

Affirmative Marketing Policy

Marion County Board of Commissioners



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As established by Resolution No. 21R-9 Marion County is committed to non-discrimination and equal opportunity in housing and in its commitment to affirmatively further fair housing, the following procedures have been established. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968, Executive Order 11063, etc.

Marion County is committed to the goals of Affirmative Marketing in furtherance of our fair housing objectives. As part of this commitment, Marion County requires HOME subgrantees, including Contract administrators, Community Housing Development Organizations (CHDOs), Developers, and other subgrantees of HOME Program funds to comply with the affirmative marketing requirements. subgrantees administering HOME funds must adopt policies and procedures that inform the public, potential tenants, homebuyers, homeowners, and rental property owners of their program through an Affirmative Marketing Plan (AMP).

As part of efforts to ensure that available housing is marketed to persons not likely to apply for such housing, subgrantees are encouraged to make HOME information available in non-English languages spoken by those residing in or near the community. Furthermore, subgrantees are encouraged to distribute marketing materials to area social service agencies that work with minorities and disabled individuals.

I. Overview of Affirmative Marketing

- A. An Affirmative Marketing Plan and Affirmative Marketing Procedures are required for subgrantees of HOME funds. Affirmative marketing procedures must continue throughout the length of the program, including the period of affordability. For homebuyer assistance and homeowner rehabilitation, the plan remains in effect until HOME-funded activities are completed. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold.

- B. Affirmative marketing should be an integral part of any project’s overall marketing effort. Affirmative marketing typically consists of efforts to inform persons that are “least likely to apply” or under-represented in a neighborhood or community about opportunities for housing under the HOME program. Through the Affirmative Marketing Plan, a subgrantee indicates what special efforts the subgrantee will make to attract racial, ethnic, and other groups or communities who might not normally seek housing assistance. Affirmative marketing does not limit choices; choices are expanded to include those that might not otherwise be considered because of past discrimination.

*Affirmative marketing adds little to the cost of a project. Most of the cost associated with affirmative marketing is already reflected in the project’s broader marketing budget.

II. Minimum Affirmative Marketing Plan Requirements

- A. Subgrantees must distribute an Affirmative Marketing Plan that will be used to attract prospective applicants of all minority and non-minority groups regardless of their race, color, religion, sex, national origin, disability, familial status, religious affiliation, sexual orientation, or gender identity. For multifamily developments, the Affirmative Marketing Plan must be provided to the property management and onsite staff. Single family administrators must be readily available to staff administering the program for use in selection of applicants that will be served.

- B. Affirmative Marketing Plans and related records must include:
 - 1. A list of the group(s) that are least likely to apply for housing without special outreach. All multi-family developments must select persons with disabilities as one of the groups identified as least likely to apply.

 - 2. Procedures that will be used to inform and solicit applications from persons who are least likely to apply. Specific media and community contacts that reach those groups designated at least likely to apply must be identified (community outreach contacts may include neighborhood, minority, or women’s organizations, grass roots faith-based or community-based organizations, labor unions, employers, public and private agencies, disability advocates, or other groups or individuals well known in the community that connect with the identified group (s)).

 - 3. How the subgrantee will assess the success of Affirmative Marketing efforts. Affirmative Marketing Plans should be reviewed on an annual basis to determine if changes should be made, and plans must be updated every five (5) years to fully capture demographic changes in the housing’s market area.

- C. At a minimum, the Affirmative Marketing Plan will require projects involving five (5) or more HOME-assisted units to comply with the following:
 - 1. Prior to sales rental activity (or marketing of homebuyer assistance, or rehabilitation program), the subgrantee shall identify community contacts (individuals, organization, or agencies) actively involved with serving low-income persons who would benefit from specific outreach efforts.

 - 2. Any Affirmative Marketing Plan which includes homeownership shall require that potential home purchasers receive homeownership counseling and education.

 - 3. If any rental units are publicly advertised during the period of affordability, the Equal Housing Opportunity logo must accompany the advertisement.

4. For multifamily developments, the Affirmative Marketing Plan will require that the developer issue press releases announcing available units that will be circulated to media outlets within the marketing and outreach area. The press releases should include location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities.
5. Information about available units at different developments may appear in combined press releases, as appropriate; this is especially encouraged for small developments, including those with four units or less. Issuance of the initial press release will coincide with the commencement of the initial marketing period.
6. The subgrantee (or its agent, if applicable) must display the HUD fair housing poster in an area accessible to the public, such as the rental office or project office.
7. The subgrantee (or its agent, if applicable) will collect information on the race and ethnicity of program applicants to demonstrate the results of the owner's affirmative marketing efforts.
8. For rental projects, the subgrantee/owner (or its agent, if applicable) will, for the period of affordability, maintain information demonstrating compliance, and will make such information available to Marion County, HUD and other regulatory agencies and official public information requests during HOME onsite inspections, or upon request.
9. The Affirmative Marketing Plan must be signed by an authorized official of the sponsoring or ownership organization. By signing the Affirmative Marketing Plan, the subgrantee assumes full responsibility for its implementation and agrees to make any changes which may be required to assure continued compliance with the marketing requirement of 24 CFR 200.620. The agreement to make changes is also applicable to Plans covering rental projects during the affordability period. With respect to single family subdivisions, the subgrantee may request changes to the Affirmative Marketing Plan only during the initial sales period.
10. The plan must reference and include methods for informing the public, owners, and potential tenants about the following state and federal laws and executive orders, including, but not limited to:

- The Fair Housing Act-Title VIII of the Civil Rights Action of 1968, as amended;
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973, as amended;
- Executive Order 11063, as amended by Executive Order 12259
- Executive Order 12892, Leadership and Coordination of Fair Housing;
- Oregon Fair Housing Act
- Americans with Disabilities Act, as applicable.

III. Procedures for Implementing an Affirmative Marketing Plan

A. When implementing the Affirmative Marketing Plan, the subgrantee must do the following:

1. **Targeting**: identify the segments of the eligible population that are least likely to apply for housing without special outreach efforts.
2. **Outreach**: Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.
3. **Indicators**: State the indicators to be used to measure the success of the marketing program. The effectiveness of the marketing program can be determined by noting if the program effectively attracted buyers or renters who are:
 - a. Under-represented 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. Are members of a protected class.
4. **Staff Training**: Demonstrate the capacity to provide training and information on fair housing laws and objectives to project or rental staff.
5. **Good Faith Effort**: Subgrantees are required to make a good faith effort to carry out the provisions of their approved plan. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:
 - a. Advertising in print and electronic media that is used by those identified as least likely to apply. The press release or electronic media should contain the Equal Housing Opportunity logo.
 - b. Marketing housing to specific community groups or organizations frequented by those least likely to apply.

c. Developing an informational handout that describes the HOME program that will be applied and the housing that will be constructed by the subgrantee or the rental assistance program that will be offered to applicants. The informational handout may include a range of details which influences decisions regarding housing choices.

d. Ensuring that the project/administrative staff have read and understood the Fair Housing Act, and the purpose and objectives of the Affirmative Marketing Plan.

6. The brochure or handout should communicate the subgrantees Equal Housing Opportunity policy. The Equal Housing Opportunity policy should be consistent with the Fair Housing Advertising guidelines. All brochures and handouts must contain the Equal Housing Opportunity logo.

7. For the subgrantee that administer the HOME Homeowner Rehabilitation program, highlighting the benefits, such as accessibility modifications, energy efficiency of the homes that will be reconstructed/constructed and increased property value is valuable

8. For the subgrantees that administers the HOME homebuyer or down-payment assistance programs the brochure should highlight the benefits of homeownership and the type of down-payment assistance that will be provided.

9. For subgrantees that administer a CHDO, HUD's Fair Housing Poster must be displayed wherever sales/rentals and showings take place. The subgrantee must indicate whether the poster will be displayed in the sales/rental office(s)/ subgrantee's office and/or model units and/or other places.

IV. Establish System for Documenting Outreach

A. Establish a system for documenting activities and maintaining records of such Affirmative Fair Housing activities. At minimum, the subgrantee must maintain documentation pertaining to:

1. The special outreach activities undertaken to attract groups that are least likely to apply and also the general public that applies for the housing.
2. How the groups considered least likely to apply were identified;
3. Race and ethnicity of all persons applying for the housing; and
4. Race and ethnicity of all individuals who visited the project in person
5. A copy of training materials used to train project management/staff on Federal, State, local civil rights laws and fair housing laws;
6. The selection of the community contacts who assisted or may assist in implementing the Affirmative Marketing Plan. In addition, the subgrantee must:
 - a. List, with names and addresses, groups or organizations identified as serving least likely to apply populations and those serving special

populations who may be served by the project, including those with physical disabilities.

- b. List with names and addresses, community contact(s) that serve the disabled community, such as an independent living center
- c. Indicate the method of contact for each of these outreach organizations e.g., community meetings, brochures, briefing sessions, etc. approximate date the group or individuals are to be contacted and how the project manager/agent/subgrantee will document such contact.

7. Communications with community contacts listed in the Affirmative Marketing Plan

8. Copies of public advertisements, informational handouts, leaflets, etc.

9. The training given to staff on Federal, State, and Local civil rights laws;

10. Subgrantees must develop an affirmative marketing report that includes summaries of affirmative marketing efforts. The report details affirmative marketing activities and identifies actions to undertake or to correct any non-compliance with affirmative marketing policies or to mitigate any non-performance problems in implementing plans. If corrective measures have been identified, actions taken on such measures must be reported. Marion County may review reports at any time to determine compliance with affirmative marketing regulations.

11. Subgrantees must keep a record of complaints of unfair marketing and must notify Marion County in writing of the complaint.

V. Affirmative Marketing Recordkeeping

A. The documentation of activities should be maintained in the project file. This information must be collected and maintained during the federal period of affordability and must be made available for review throughout the period.

B. Up-to-date records based on census data, application and surveys about community residents, applicants for housing units, residents of the project, and records about tenant selection or rejection must be kept in the project file.

C. Racial and ethnic data on all persons applying for housing units and participants must be collected and kept in the project file.

D. Data obtained voluntarily from applicants with disabilities should be collected and kept in a separate file.

E. Examples of documentation that should be included:

- Copies of newspaper advertisements and flyers or other printed material used
- Copies of mailing lists to organizations that were sent flyers and other material
- Copies of press releases and description of circulation;
- Evidence of broadcast of television and radio advertisement;
- Photographs of site signs
- The racial, ethnic and gender characteristics of tenants
- List the names and addresses, of groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities; and
- List the names and address, of community contact (s) that serve the disabled community, such as an independent living center

VI. Appendices

- Example of HUD Affirmative Fair Housing Marketing Plan-Multifamily Housing (Attached)
- Example of HUD Affirmative Fair Housing Marketing Plan- Single Family Housing (Attached)