



U.S. Department of Housing and Urban Development  
New York State Office  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-0068  
<http://www.hud.gov/local/nyn/>

## AFFIRMATIVE FAIR HOUSING MARKETING GUIDANCE

This guidance has been written to clarify the procedures regarding Affirmative Fair Housing Marketing and Rent Up of subsidized units. Pursuant to Handbooks 8025.1 REV-2 and 4350.3 REV-1, it is the Office of Fair Housing and Equal Opportunity's and Multifamily Housing's goal to ensure that all individuals and families receive an equal opportunity to obtain housing.

### A. PRE-MARKETING STAGE

1. Project Sign: If this is a new construction, during the entire construction period, the Owner shall maintain a project sign, clearly visible from the street, that includes the Fair Housing logo or slogan. This sign will remain on site through the rent-up phase of the project and until all apartments are occupied. This sign must include a telephone number and/or address where information on applications may be obtained.
2. Inquiries: Owner/Managing Agent shall maintain an Inquiry List of the names and addresses of person or persons or families who have asked to receive an application. However, applications may not be distributed until affirmative marketing has been initiated.
3. Amendment of Affirmative Fair Housing Marketing Plan (AFHMP): If the Owner has received an overwhelming number of inquiries from families or individuals designated as those "least likely to apply", the Owner may request from HUD that the frequency/duration of advertisements included in the AFHMP be decreased. Such requests must be submitted to the New York Regional Office (NYRO), Office of Fair Housing and Equal Opportunity (FHEO) prior to the initiation of marketing activities.
4. Notification of Intent to Begin Marketing: The Owner must notify the New York Multifamily Hub and FHEO of his/her intent to begin marketing not later than 180 days prior to the availability of the first unit for occupancy. (See Appendix 1).

### B. MARKETING

Owners must comply with the marketing as stated in the HUD approved AFHMP, making outreach to the least likely to apply groups. In advance of marketing to other prospective tenants, the Owner shall market to families and those expected to reside in the Community who are least likely to apply. Additional marketing may be done at the discretion of the Owner.

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Effective June 9, 2005

1. Community Contacts: Letters to Community organizations listed in the AFHMP must be sent to those groups at least two weeks prior to the date that the first advertisement appears. The letter should include:
  - (a) The same information outlined in Paragraphs 4 (a) to (e) below;
  - (b) The date that the advertisement will appear in local newspapers and/or other media;
  - (c) A statement advising the applications will not be accepted until the date of the first advertisement;
  - (d) A statement should be included advising that copies of the application are available upon request;
  - (e) The statement, "Do not mail more than one application per family. If more than one is received, it will be dropped to the bottom of the list." This statement must also be printed in caps of bold type on the applications which are given or mailed to applicants;
  - (f) A statement requesting the community organization to acknowledge receipt of the letter.

Copies of each Community contact letter must be sent to FHCO, immediately upon mailing. One copy of each letter must be retained in the project files. (See Appendix 2)

2. Establishing a Post Office Box: Completed applications may not be received at the project office during the marketing period. The Owner must establish a U.S. Postal Service Post Office Box for receiving completed applications. All applications must be handled in this manner until the procedures in Paragraph B. (4) and C. (1) below are complied with.
3. Inquiry List Mailing: At such time as the Post Office box and address is available, and after the community contact letters have been mailed, one application and a cover letter outlining paragraphs 4 (d) and 4(e) below must be mailed to each person on the Inquiry List. After marketing has begun, all requests for applications must be responded to within 48 hours. A copy of the Inquiry List shall be retained in the project files along with a certification executed by the Owner/Manager that a project application has been sent by regular mail to each person on the list. (See Appendix 3).
4. Advertisements: The Owner must prepare advertisement in accordance with the draft appearing in Appendix 4 for publication in the news media included in the HUD approved AFHMP. Any changes from the contents outlined below must be cleared with FHCO prior to publication. The advertisement shall be placed in the Real Estate section of the newspaper. Radio and T.V. ads must be in the language of the program on which it is broadcasted. Advertisements must include:
  - (a) The name and location of the project, the number of units, including the number of units designed for the disabled;

- (b) A statement that interested persons must write, telephone or pick up an application. (Note: It is suggested that applicants be encouraged to phone or write, since this will prevent line-ups in front of the office and problems of weather conditions, crowds, and need for paramedic assistance);
- (c) Address and/or telephone number where applications may be obtained, and the hours that the office is available to respond to requests;
- (d) Completed applications must be sent by regular mail, not registered or certified mail to the Post Office Box address indicated on the application. (Note: In order to avoid misunderstanding, this Post Office Box number should not be included in any advertisement. This is to assure that requests for applications are not inadvertently sent to the same Post Office box as completed applications);
- (e) A deadline date, at least three weeks after the date of the first advertisement, and a statement that applications received after this deadline date will not be processed until all applications received by the deadline are processed.
- (f) The Fair Housing logo and/or slogan .

The advertisement shall appear at least daily for one week in daily newspapers; or weekly for two weeks in weekly papers, as specified in the HUD-approved Affirmative Fair Housing Marketing Plan unless a waiver is requested and granted by FHCO.

During this three-week period the Owner will allow at least two weeks for applicants to write or call for applications; and one additional week for applications to be returned.

The Owner must send FHCO copies of these advertisements immediately following the date of advertisement. See Appendixes 2 and 4 of this Guidance.

### C. APPLICATIONS

1. Receipt of Applications: Applications must remain in the Post Office Box and be picked up by the Owner/Managing Agent one day after the deadline date stated in the advertisement.
2. Applicant Log: The applications will be brought to the project office where they will be placed in an open area or flat receptacle and thoroughly mixed. A responsible official of the Owner/Managing Agent and two (2) impartial witnesses of the Owner's choosing must be present during the selection of envelopes. Each envelope will be randomly selected and handed to a responsible staff person who will open and staple the envelope to the application, number, date and time-stamp the application, and enter in ink into a permanently bound log, the following information: applicant name, address and numerical order. Any type of "white out" or erasure, which eliminates the person's name or status, is not permitted. Errors may be corrected only by drawing a line through the person's name and having the staff member initial the correction.

3. Logging: Once the logging of applicants' names and numbers are completed for all applications, the Owner/Managing Agent will record the remaining items in the log for each applicant, i.e., date and time received eligibility information, priority standing, etc. This information must be entered into the log prior to the tenant selection process, which follows.
  
4. Subsequent Applications: All applications received after the deadline date are to be picked up from the post office and also numbered, dated, time-stamped and entered into the log. A line shall be drawn in the log to separate this group from those received by the deadline date. The Owner/Managing Agency must retrain the Post Office Box for 14 days following the date applications were originally picked up from the post office.

**APPENDIX 1 – SAMPLE  
NOTICE OF INTENT TO BEGIN MARKETING**

(Director's Name)  
Director, Region II  
Office of Fair Housing and Equal Opportunity  
U. S. Department of HUD  
26 Federal Plaza, Room 3532  
New York, NY 10278

Dear \_\_\_\_\_:

RE: Notice of Intent to Begin Marketing  
Project Name:  
Project Number: NY36\_\_\_\_\_

Our development, consisting of \_\_\_\_\_ units located at \_\_\_\_\_ is  
nearing completion, and we expect the first unit to be available for occupancy on  
\_\_\_\_\_, 200\_\_.

We will establish a Post Office box at \_\_\_\_\_.

We will mail our community contact letters on \_\_\_\_\_, 200\_\_ and will place our  
advertisements in the news media list in our approved Affirmative Fair Housing  
Marketing Plan on \_\_\_\_\_, 200\_\_.

If there are any questions on the above, please contact:

Name:

Address:

Phone No.:

Sincerely,

Owner/Manager

**APPENDIX 1a – SAMPLE**  
**NOTICE OF INTENT TO REMARKET**

(Corrected Version -- May 2008)

(Director's Name)  
Director, Region II  
Office of Fair Housing and Equal Opportunity  
U. S. Department of HUD  
26 Federal Plaza, Room 3532  
New York, NY 10278

Dear \_\_\_\_\_:

RE: Notice of Intent to Remarket  
Project Name:  
Project Number: NY36 \_\_\_\_\_

We are planning to remarket the above project. (Name of Project) consists of \_\_\_\_\_ units located at \_\_\_\_\_.

We will establish a Post Office box at \_\_\_\_\_.

We will mail our community contact letters on \_\_\_\_\_, 200\_\_ and will place our advertisements in the news media listed in our approved Affirmative Fair Housing Marketing Plan on week of \_\_\_\_\_, 200\_\_ and week of \_\_\_\_\_.

If there are any questions on the above, please contact:

Name:

Address:

Phone No.:

Sincerely,

Owner/Manager

**APPENDIX 2 – SAMPLE  
EVIDENCE OF AFFIRMATIVE MARKETING**

(Director's Name)  
Director, Region II  
Office of Fair Housing and Equal Opportunity  
U. S. Department of HUD  
26 Federal Plaza, Room 3532  
New York, NY 10278

Dear \_\_\_\_\_:

RE: Evidence of Affirmative Marketing  
Project Name:  
Project Number: NY36 \_\_\_\_\_

As requested, attached are copies of the community contact letters and copies of the published advertisements as evidence of marketing in compliance with the media listed in our approved Affirmative Fair Housing Marketing Plan.

We anticipate opening the Post Office box on \_\_\_\_\_, 200\_\_. If you have any questions, please contact:

Name:

Address:

Phone No.:

Sincerely,

Owner/Manager

**[Note: Please send an original plus one copy of this cover letter.]**

APPENDIX -3  
CERTIFICATION OF INQUIRY LIST MAILING

I, \_\_\_\_\_, Owner/Manager of \_\_\_\_\_,  
located at \_\_\_\_\_, hereby certify that every person listed  
on the attached Inquiry List was sent one application for the above project. Project  
applications were mailed to these people on \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**[Note: This certification is to be retained by the Managing Agent in the rental office together with a copy of the Inquiry List.]**



**APPENDIX -4 SAMPLE ADVERTISEMENT**  
(Minimum Requirements)

Beginning on \_\_\_\_\_

A \_\_\_\_\_ unit building including \_\_\_\_\_ units designated for individuals with disabilities, located at \_\_\_\_\_, is available for rental to those with limited income. Qualifications will be based on income guidelines.

Interested persons may obtain an application by:

1. Telephoning: \_\_\_\_\_
2. Writing to: \_\_\_\_\_
3. Picking up in person at: \_\_\_\_\_  
(If application can be picked up, project must state office hours available)

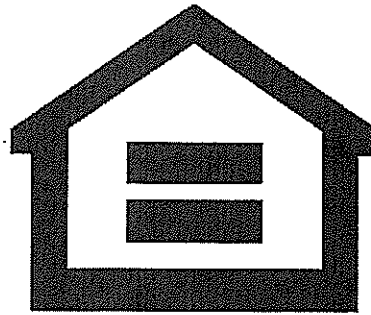
**\*In addition to selecting (2) of the conventional options above, applications can also be placed online.**

Completed Applications should be sent by regular mail to: \_\_\_\_\_  
All applications must be received by: \_\_\_\_\_  
(Date)

Ads should also include an Equal Opportunity Logo.

Logos can be found at:

<http://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/theologo>



**EQUAL HOUSING  
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair  
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is Illegal to Discriminate Against Any Person  
Because of Race, Color, Religion, Sex,  
Handicap, Familial Status, or National Origin**

In the sale or rental of housing or  
residential lots

In the provision of real estate  
brokerage services

In advertising the sale or rental  
of housing

In the appraisal of housing

In the financing of housing

Blockbusting is also illegal

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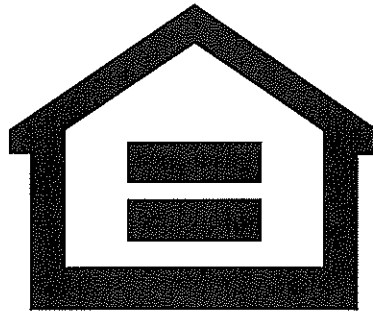
Anyone who feels he or she has been  
discriminated against may file a complaint of  
housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

U.S. Department of Housing and  
Urban Development  
Assistant Secretary for Fair Housing and  
Equal Opportunity  
Washington, D.C. 20410



## IGUALDAD DE OPORTUNIDAD EN LA VIVIENDA

**Conducimos nuestros negocios de acuerdo a la Ley Federal de Vivienda Justa**

(Acta de enmiendas de 1988 de la Ley Federal de Vivienda Justa)

**Es ilegal discriminar contra cualquier persona por razon de su raza, color, religion, sexo, incapacidad fisica o mental, la presencia de niños menores de 18 años o de mujer embarazada en su familia o su origen nacional**

■ En la venta o renta de vivienda y terrenos residenciales

■ En los anuncios de venta o renta de vivienda

■ En la financiamiento de vivienda

■ Amenazar o interferir con la persona para que no registre su queja

■ En los servicios de corretaje que prestan vendedores de vivienda

■ En la valoracion de vivienda

■ Tambien es ilegal forzarle a vender o rentar su vivienda diciendole que gente de otra raza, religion o grupo etnico se estan mudando en su vecindario

Cualquier persona que sienta que fue discriminada debe de enviar su queja de discriminacion:

1-800-669-9777 (llamada gratis)  
1-800-927-9275 (TDD llamada gratis)

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