

Affirmative Fair Housing Marketing Guide

4/1/2003

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TABLE OF CONTENTS

Understanding Affirmative Marketing	1
Overview of the Affirmative Fair Housing Marketing Plan	2
The Affirmative Fair Housing Marketing Plan (ODOD Form AFHM-98)	4
Part 1 Description of the Applicant and the Project.....	4
Part 2 Type of Marketing Plan	4
Part 3 Direction of Marketing Plan	5
Part 4 The Marketing Program.....	6
Part 4A Commercial Media.....	6
Part 4B Brochures, Signs & HUD Fair Housing Poster	7
Part 4C Community Contacts	8
Part 5 Future Marketing	9
Accessibility.....	9
Families with Children.....	9
Part 6 Staff Experience and Instructions for Fair Housing Training.....	10
Appropriateness of the Marketing Program.....	11
Implementation of the Affirmative Marketing Plan	12
Ohio Department of Development Affirmative Marketing Policy	13
Legal Basis for Affirmative Fair Housing Marketing	15

Appendices

ODOD Form AFHM-98, Affirmative Fair Housing Marketing Plan.....	1
Part 109 – Fair Housing Advertising	2
Fair Housing Resources	14
Ohio Association of Area Agencies on Aging Listing	15
Resources for Persons with Disabilities.....	18

UNDERSTANDING AFFIRMATIVE MARKETING

Affirmative Fair Housing Marketing (AFHM) plans and affirmative marketing procedures are required to be included in applications for Ohio Department of Development, Ohio Housing Finance Agency and Office of Housing and Community Partnerships housing funds (including state and federal funds). All recipients and subrecipients of funds of projects containing five or more units must comply with the affirmative marketing requirements to receive assistance. Affirmative marketing procedures must continue throughout the period of affordability. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold.

Affirmative marketing is not a separate marketing program. It can be an integral part of the overall project marketing effort. Affirmative marketing typically consists of a good faith effort to attract to a project those who are identified as “least likely to apply” or under represented in a neighborhood or community.

Today, by law, property sellers or landlords may not refuse to sell or rent to certain people based on race, color, religion, sex, national origin, familial status, or disability. These laws are based on the notion that traditional residential marketing practices have conditioned people to view certain neighborhoods or groups as undesirable.

Through an affirmative marketing plan, a developer indicates what special efforts they will make to attract racial or ethnic 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 be considered because of past discrimination. Increasingly, communities which make a long-term commitment to racial and ethnic diversity have found their efforts rewarded by increasing property values.

Affirmative marketing requires no specific goals or quotas. However, quantitative data and analysis are essential to planning and monitoring an affirmative marketing program.

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.

This manual is a guide to assist those who are recipients and subrecipients receiving funds; it is not a substitute for obtaining legal advice. It summarizes AFHM plans and affirmative marketing procedures as required by the Ohio Department of Development.

OVERVIEW OF THE AFHM PLAN

The AFHM Plan is a marketing strategy designed to attract buyers and renters of all majority and minority groups, regardless of sex, handicap and familial status to assisted rental units and sales dwelling which are being marketed.

In formatting an Affirmative Marketing Program, the applicant must do the following:

1. **Targeting:** Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts.
2. **Outreach:** Outline an outreach program which 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:
 - from the majority and minority groups, regardless of gender, as represented in the population of the housing market area;
 - persons with disabilities and their families; and
 - families with children, if applicable.
4. **Staff Training:** Demonstrate the capacity to provide training and information on fair housing laws and objectives to sales or rental staff.

Grantees are required to make a good faith effort to carry out the provisions of their approved plan.

Good Faith Effort

Good faith efforts are **recorded** activities and **documented** outreach to those individuals identified as least likely to apply. Examples of such efforts include:

1. **Advertising** in print and electronic media that is used and viewed or listened to by those identified as least likely to apply;
2. **Marketing** housing to specific community, religious or other organizations frequented by those least likely to apply;

3. **Developing a brochure or handout** that describes facilities to be used by buyers or renters, e.g., transportation services, schools, hospitals, industry, and recreational facilities. The brochure should also describe how the proposed project will be accessible to physically handicapped persons and describe any reasonable accommodations made to persons with disabilities; and
4. **Insuring** that the sales/management staff has read and understood the Fair Housing Act, and the purpose and objectives of the AFHM Plan.
5. **Developing a referral network** with the local fair housing agency.

**THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN
(ODOD Form AFHM-98)**

This form must be filled out completely and signed by an authorized official of the sponsoring organization.

PART 1: Description of the Applicant and the Project

The applicant must provide the following information:

1. Name and address of the applicant;
2. Name and address of the proposed project;
3. Type of Application;
4. Number of units;
5. Price or rent range of units;
6. For multifamily rental units only, the household types to be served by the project (e.g., elderly, non-elderly, disabled);
7. The approximate starting dates for advertising to target groups and initial occupancy;
8. Advertising and outreach to those organizations and individuals identified as least likely to apply must begin in accordance with applicable program requirements;
9. County in which the project will be located;
10. Census tract or Enumeration District number in which the project will be located; and
11. Name of managing/sales agent, if identified.

PART 2: Type of Marketing Plan

The applicant should indicate in Part 2 of the Form whether the Plan is to be a Project Plan or an Annual Plan for a scattered site builder.

Project Plan

1. Project Plan is submitted for a particular multifamily project or subdivision located on a single site.
2. Annual Plan

The Annual Plan covers all activity to be performed in the ensuing 12-month period. The location and exact number of units are not determined at the time the Plan is submitted.

NOTE: In most instances, the Annual Plan, regardless of type, should cover activities within a single housing market area. A housing market area can be defined in terms of all parts of the locality (or county) in which the project is located. In rural areas, the Plan may cover activities in more than one county.

3. Scattered Sites

Scattered sites should be grouped and marketed according to the racial and ethnic composition of the census tracts in which they are located.

PART 3: Direction of Marketing Activity

The applicant must identify the groups that are least likely to apply for housing. For these groups, special outreach is required to inform them of the upcoming housing opportunities.

The following are examples of group(s) that might be identified as least likely to apply for the housing in given situations:

1. Non-minority persons for a project located in a predominantly minority area;
2. Minority groups for a project located in a non-minority area; and
3. Black and Non-Minorities for a project located in a neighborhood which is predominantly Hispanic.

If the applicant believes that no single group will need special outreach, the applicant must indicate in the plan and explain the reasons for such determination.

In determining which groups may require special outreach, the applicant should consider the following factors:

1. Practices or Policies of Discrimination such as exclusionary zoning practices; rental, sales, advertising, lending, appraisal, and other practices which may have resulted in discrimination.
2. Language Barriers.
3. Racial/Ethnic Composition of defined geographic areas. The applicant should consider the following:
 - a. The Neighborhood (Census Tract) in which the project is (or will be) located;
 - b. The occupancy profiles and waiting list composition of other projects in the market area;
 - c. Information on the income eligible population of the housing market area, including racial/ethnic group members, household headed by single persons (gender of household), persons with disabilities, the elderly, families with children and those persons identified as expected to reside in the jurisdiction.

4. Income Eligibility Requirements of the Program
5. Marketing to Individuals with Handicaps. In most instances, individuals with handicaps are not likely to apply for the housing without special outreach activities, because such persons may not “apply” for housing units especially reserved for them without special assistance. The AFHM Plan should include resources that have disabled persons of all racial/ethnic groups on lists of potential referrals. Such resources include social service agencies, hospitals, or disabled organizations.

The applicant, in planning its outreach activities to disabled persons, should also consider:

1. Whether the building is a newly constructed one which must conform to the design provisions of the Fair Housing Act and the accessibility provisions of Section 504 of the Rehabilitation Act of 1973, as amended;
2. How it plans to explain its policies on permitting reasonable modifications of the unit by the tenant; and
3. Its policies with respect to reasonable accommodations in rules, policies, practices and services.

PART 4: The Marketing Program

The applicant must describe the marketing program and outline the methods to be used in marketing to all segments of the eligible population. The program must include special outreach steps which will be taken to attract the groups identified as persons least likely to apply for the housing.

PART 4a: Commercial Media

The applicant must indicate the commercial media to be used to advertise the availability of the housing, in particular, the commercial media that are customarily used by the applicant, including minority publications, publications targeted toward disabled persons, and other outlets which are available in the housing market area.

If the applicant does not intend to use commercial media, the Plan should indicate the reasons for not using such media. All advertising should be consistent with the Fair Housing Advertising Regulations (24 CFR 109) and the Fair Housing Act Regulations at 24 CFR 100.75.

1. Type of Media. The applicant should indicate the type of media to be used, including:
 - Newspapers of general circulation
 - Radio and/or television stations; and
 - Other types of media including publications of limited circulation such as neighborhood-oriented newspapers, religious publications, and publications of local real estate industry groups.

2. Information Regarding the Media Selected. For each of the media identified, the applicant indicates:

- Name of the media (e.g., Daily Press, WHIZ Radio, Channel 5 TV).
- Type (e.g., classified, display) and size of newspaper advertising and the initial date and frequency of its appearance. Copies of the advertising should be kept on file for future monitoring.
- Frequency and length of any radio and/or television advertising; and
- Identity of the racial/ethnic groups within the audience or readership of the commercial media to be used.

PART 4b: Brochures, Signs and the HUD and/or local Fair Housing Poster

Brochures, signs and the HUD and/or local Fair Housing Poster are to be an integral parts of any successful affirmative marketing effort.

1. Brochures

The applicant should consider using brochures as part of the total marketing program. Brochures can be tailored to meet the specific housing needs of those persons who are members of the groups identified as least likely to apply for the housing.

The brochure should communicate the applicant's equal housing opportunity policy. The brochure must be consistent with the Fair Housing Advertising Guidelines, including display of the Equal Housing Opportunity Logotype and slogan.

The brochure should, where appropriate, contain information on the applicant's policy toward families with children and whether or not the project is reserved as "elderly housing."

2. Signs

The applicant must indicate the size of any existing or proposed permanent project site sign. The sign must include the Equal Housing Opportunity Logotype. A picture of the sign must be placed in the AFHM program file.

3. Poster

Local and/or HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place.

PART 4c: Community Contacts

Community contacts should be individuals or organizations that have direct and frequent contact with those groups identified in the Plan as least likely to apply.

1. Examples of suitable community contacts include:
 - Fair housing organizations and local nonprofit housing associations, housing counseling agencies, regional tenant referral services;
 - Minority organization, for example, League of United Latin American Citizens (LULAC), National Association for the Advancement of Colored People (NAACP), Urban League, women's organizations, civil rights groups, editors of majority owned and minority-owned newspapers;
 - Organizations which advocate for individual with disabilities or address issues relating to the housing needs of such individuals; and
 - Organizations which advocate for families with children or address issues relating to housing needs of such families.

The applicant must give the following information about the community contacts:

1. Name of the organization or individual;
2. Protected class identification of the group or individual;
3. Approximate date the group or individuals are to be contacted. This date should be consistent with the requirements for advance marketing to those persons least likely to apply, where applicable;
4. Address and telephone number of the person to be contacted;
5. Methods of contact, e.g., community meetings, brochures, radio talk shows, and
6. Specific functions the group will perform.

Effectiveness of Community Contacts:

To determine the potential effectiveness of the proposed community contacts, the following questions should be considered:

1. Do the community organizations or individuals identified as community contacts have frequent contact with the target groups?

2. Are the functions that the community contacts are expected to perform in implementing the outreach program appropriate to their size and influence in the community?
3. Where applicable, does the applicant utilize organizations which have contact with those persons identified as expected to reside in the community?
4. In cases where organizations or individuals have previously served as community contacts, were these groups or individuals effective as such contacts?

PART 5: Future Marketing (For Rental Units Only)

The applicant must describe in this part the types of activities to be undertaken after the completion of initial occupancy of rental units in order to fill vacancies resulting from normal turnover.

AFHM Plan Modifications:

The applicant may undertake the same marketing activities which were performed during the initial occupancy period or may propose modifications to the Plan.

Accessibility:

Some applicants are required to bring their older buildings into compliance with HUD Accessibility Guidelines (24 CFR Part 40) and other programmatic requirements pertaining to accessibility for individuals with disabilities, e.g., Section 504 of the Rehabilitation Act of 1973, as amended. Upon completion of such renovations, the applicant should amend the project's AFHM Plan to reflect the undertaking of special outreach activities designed to:

1. Inform individuals with disabilities about the accessible units and about all reasonable accommodations that the applicant either has already made or will make for such individuals; and
2. Encourage such persons to apply for those units.

Families with Children:

An applicant must implement a policy of nondiscrimination with respect to families with children and conduct marketing activities intended to attract such families to the project, if it is not exempt from the provisions of the Fair Housing Act pertaining to housing for older persons.

PART 6: Staff Experience and Instructions for Fair Housing Training

The proposed plan should include the following material on staff training and experience:

Experience

The applicant must indicate whether it has had any experience in marketing housing to the groups identified as least likely to apply.

Applicant's Training Responsibilities

Applicants are responsible for instructing all employees and agents in writing and orally concerning nondiscrimination in housing. The specific civil rights laws and Executive Orders on which sales and management staff should be trained includes:

1. The Fair Housing Act and 24 CFR Part 100, as well as the HUD complaint processing procedure;
2. Executive Order 11063 and 24 CFR Part 107;
3. The Affirmative Fair Housing Marketing Regulations, 24 CFR 200, Subpart M;
4. Ohio Department of Development Affirmative Fair Housing Marketing Policy
5. Any state or local fair housing and equal credit opportunity law and its applicable complaint processing procedure;
6. Title VI of the Civil Rights Act of 1964, where applicable;
7. Section 504 of the Rehabilitation Act of 1973, as amended, where applicable, and 24 CFR Part 8; and
8. Civil rights related program requirements relating to AFHM.

The training should be designed to acquaint participants with the substantive requirements of the Fair Housing Act relating to financing and advertising, expected real estate broker conduct, redlining and zoning practices and discriminatory appraisal practices.

A copy of the instructions given to sub-management staff on fair housing concerns such as federal, state, and local fair housing laws and a copy of the applicant's Affirmative Fair Housing Marketing Plan should be included in the AFHM Program file for future monitoring. The material must also indicate the date established for conducting the training and the name and title of the person responsible for developing the fair housing training program.

Signature: The Plan must be signed by an authorized official of the funded organization.

APPROPRIATENESS OF THE MARKETING PROGRAM

The marketing program should include actions which are appropriate for attracting the target group(s). The following should be considered:

1. Where Blacks, Hispanics, Asian-Americans or other racial/ethnic groups have been identified as requiring special outreach, and minority media are available in the housing market area, applicants are encouraged to use minority-owned media as part of their marketing program;
2. Languages other than English should be used in the advertising where it is necessary to attract target groups, e.g., Hispanics;
3. The advertising should convey an easily understood message that the target groups are welcome in the area in which the proposed project is located. However, the advertising should not imply that the project area is restricted to persons of a particular race, color, creed, sex or national origin, or that families with children and handicapped persons would feel unwelcome;
4. Both majority and minority models should be used in pictorial advertising and women should be depicted in non-sex-stereotyped roles;
5. The advertising should convey the message that families with children are encouraged to apply for the housing;
6. The advertising should feature units that have been made accessible to individuals with disabilities to convey the message that reasonable accommodations can be made so that individuals with disabilities can fully enjoy the project's services and facilities on the same basis as non-disabled individuals; and
7. The Equal Housing Opportunity Logotype and should be displayed on all advertising materials.

IMPLEMENTATION OF THE AFFIRMATIVE MARKETING PLAN
Marketing for Initial Sales or Rental

No later than 90 days prior to the commencement of initial occupancy the grantee should:

1. Pre-Marketing Activities:

Prior to initiating general marketing, contact the commercial media, fair housing groups, civil rights organizations, employment centers and the community contacts which have been identified in the Plan as resources for attracting persons who are “least likely to apply” for the housing.

2. Outreach Documentation:

Establish a system for documenting outreach activities and for maintaining records which provide racial, ethnic and gender data on all applicants for the proposed housing. The system should be consistent with any reporting and record keeping requirements. It should include all documentation pertaining to:

- How the groups considered least likely to apply were identified;
- The special outreach activities undertaken to attract these groups and the general public to the housing;
- The training given to the staff on Federal, State and local civil rights laws;
- The selection of the community contacts who assisted in implementing the AFHM program;
- The implementation of the HUD Fair Housing Advertising Regulations stated at 24 CFR Part 109;
- Race and ethnicity of all applicants for the housing; and
- Race and ethnicity of all individuals who visited the project in person.

3. Fair Housing Training:

During the 90-day period prior to the commencement of taking applications or sales, provide training to all management or sales staff in Federal, State and local fair housing laws, AFHM objectives and the approved AFHM plan.

1. File Documentation:

The following materials should be kept in the AFHM file for future monitoring:

- Copies of advertisements, brochures, leaflets, and letters to community contacts;
- Photographs of project signs; and
- A copy of instructions used to train sales/rental staff on Fair Housing laws.

**OHIO DEPARTMENT OF DEVELOPMENT
AFFIRMATIVE MARKETING POLICY**

Part 1

All state recipients and subrecipients receiving housing development funds shall adopt policies and procedures that inform the public, potential tenants, and property owners of its Affirmative Marketing Policy/Strategy. At a minimum the Affirmative Marketing Policy/Strategy of a state recipient or subrecipient must:

commit to including the Equal Housing Opportunity logotype in press releases and solicitations for participation in the program;

have a policy for referrals of housing questions and complaints to its fair housing provider, agency or organization that can provide advice on the state and federal fair housing laws; and

At least once annually, conduct a public outreach effort that will make available to the public information on all rental units that have received assistance. Minimally, this information will include the address of the units and the address and phone number of the owner.

Part 2

At a minimum, the Affirmative Marketing Policy/Strategy will require that owners of projects containing 5 or more units receiving assistance will comply with the following:

Prior to sales or rental activity, the recipient or subrecipient shall identify at least 3 groups, organizations, or agencies actively involved with serving low-income persons who would benefit from special outreach efforts. Annually, the owner shall provide these groups with information on assisted units throughout the period of affordability.

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

The owner must display the Equal Housing Opportunity log and fair housing poster in an area accessible to the public (e.g., the rental office).

The owner will maintain information on the race, sex and ethnicity of applicants and tenants to demonstrate the results of the owner's affirmative marketing efforts.

The owner will, for the period of affordability, maintain information demonstrating compliance with items 1, 2 and 4 above, and will make such information available to the local administrator or the State of Ohio, upon request.

Part 3

Each recipient or subrecipient shall maintain records indicating compliance with the above policies, including:

Records documenting the recipient's or subrecipient's annual outreach efforts to affirmatively market assisted units, including an annual evaluation of the effectiveness of these efforts. Minimally, this evaluation shall include a discussion with the organizations or agencies identified in item 1 of Part 2 above, as to the number of referrals made on the basis of the information provided by the owners of assisted units.

Monitoring records (to be maintained by all state recipients or subrecipients of funds) that indicate the extent to which the owner has complied with the requirements of items 1, 2, 3, 4 and 5 of Part 2 above, and remedies to resolve instances of non-compliance.

LEGAL BASIS FOR AFFIRMATIVE FAIR HOUSING MARKETING

The Fair Housing Act which prohibits discrimination in the sale, rental, financing, or other services related to housing on the basis of race, color, religion, sex, handicap, familial status or national origin. Section 808(e)(5) of this law mandates that HUD administers its programs in a manner to affirmatively further fair housing. Section 804(f) of this law prohibits discrimination because of the handicap of individual buyers, renters and persons associated with such buyers or renters, discrimination in the terms, conditions, privileges and services connected with the sale or rental of dwelling units; refusal to allow the tenant to make reasonable accommodations of existing dwellings to enable a handicapped person to enjoy fully the dwelling unit; refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such persons with equal opportunity to use and enjoy the dwelling; and failure to make covered multifamily dwellings first occupied after March 13, 1991 accessible to disabled persons. The law defines “covered multifamily dwellings” as buildings consisting of four or more units if such building has one or more elevators; and ground floor units in other buildings consisting of four or more units.

Executive Order 11063, as amended, which provides that no person in the United States because of race, color, religion (creed), sex or national origin, shall be denied equal opportunity in housing or related facilities owned, operated or insured by the Federal Government or provided with federal financial assistance; and that all Federal Executive Departments and agencies shall take action to promote the abandonment of discriminatory practices for:

Residential property and related facilities endowed with federal financial assistance, and

The lending practices connected with such property and facilities insofar as such practices relate to loans insured or guaranteed by the Federal Government.

Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual with handicaps in the United States shall, solely by reason of his handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance.

“AFHM Regulations” (24 CFR Part 200, Subpart M) sets forth requirements for AFHM under HUD-subsidized and unsubsidized housing programs that received a conditional commitment after February 15, 1972. These regulations require submission of a Plan and outline the components of the AFHM Program (see Section 200.600 of the AFHM Regulations).

ODOD Policy. The Department has adopted a requirement for affirmative marketing of housing of five or more units developed by utilizing ODOD, OHFA, and OHCP Housing Development funds.

Appendices

Affirmative Fair Housing Marketing Plan

U.S. Department of Housing and Urban Development

Office of Fair Housing and Equal Opportunity and Ohio Department of Development

1. a. Applicant's Name, Address (City, State, Zip Code), Phone and Fax		1. c. Type of Application <input type="checkbox"/> Housing Tax Credit <input type="checkbox"/> HDAP	1. d. Number of Units	1. e. Price Range or Rental Range From \$ _____ To \$ _____
		1. f. For Multi-Family Only <input type="checkbox"/> Elderly <input type="checkbox"/> Non-Elderly	1. g. Approximate Starting Dates: Advertising: _____ Occupancy: _____	
1. b. Project Name, Location (including City, State, Zip Code)		1. h. County: _____		1. i. Census Tract
		1. j. Managing Sales Agent's Name and Address: City, State, Zip Code		
2. Type of Affirmative Marketing Plan: (Mark only one, see instructions) <input type="checkbox"/> Project Plan <input type="checkbox"/> Minority Area <input type="checkbox"/> White (non-minority) Area <input type="checkbox"/> Mixed Area (with _____ % minority residents) <input type="checkbox"/> Annual Plan (for single-family scattered site units) Note: A separate Annual Plan must be developed for each type of census tract in which the housing is to be built/rehabilitated.		3. Direction of Marketing Activity: (Indicate which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts) <input type="checkbox"/> White (non-Hispanic) <input type="checkbox"/> Hasidic Jews <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Hispanic <input type="checkbox"/> Disabled <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Black (non-Hispanic) <input type="checkbox"/> Families with Children		
4. a. Marketing Program: Commercial Media: (Check the type of Media to be used to advertise the availability of this housing) <input type="checkbox"/> Radio <input type="checkbox"/> TV <input type="checkbox"/> Billboards <input type="checkbox"/> Newspaper/Publications <input type="checkbox"/> Other (specify) _____				
Name of Newspaper, Radio, or TV Station		Racial/Ethnic Identification of Readers/Audience		Size/Duration of Advertising
1				
2				
3				
4				
4. b. Marketing Program: Brochures, Signs, and HUD and/or Local Fair Housing Poster (1) Will brochures, letter, or handouts be used to advertise? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" attach a copy or submit when available (2) For project site sign, indicate sign size _____ X _____: Logotype size _____ X _____. Attach a photograph of project sign or submit when available. (3) The local Fair Housing agency's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the: <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Sales/Rental Office <input type="checkbox"/> Other (specify) _____				
4. c. Community Contacts: To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with groups/organizations listed below that are located in the housing market area or SMA (provide at a minimum 3 groups/organizations other than an affiliate). If more space is needed attach an additional sheet. Notify HCP of any changes in this list. The applicant is required to analyze the effectiveness of the strategy annually and make necessary adjustments. Attach a copy of correspondence to be mailed to these groups/organizations or currently not available, maintain on file. Provide all requested information.				
Name of Group/Organization		Racial/Ethnic Identification	Approximate Date	Group/Organization Contact Person
1				
2				
3				
4				
Address and Phone Number		Method of Contact	Indicate the specific function to be undertaken in implementing the market program	
1				
2				
3				
4				
5. Future Marketing Activities: (Rental Units Only) Mark the box(es) that best <input type="checkbox"/> Radio <input type="checkbox"/> TV <input type="checkbox"/> Newspaper/Publications <input type="checkbox"/> Brochures/Handouts <input type="checkbox"/> Site Signs <input type="checkbox"/> Community Contacts <input type="checkbox"/> Other (specify): _____				
6. Experience and Staff Instructions: (See instructions) 6. a. Staff has experience? <input type="checkbox"/> Yes <input type="checkbox"/> No		6. b. On separate sheets, indicate training to be provided to staff on Federal, State, and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing and the policy for referrals of housing questions and complaints to the Local Fair Housing Agency.		
6. c. Name of Local Fair Housing Agency: Contact: _____ Address: _____ Phone: _____				
7. Additional Considerations: Adopt a policy and procedures that informs the public, potential tenants, and property owners of the Affirmative Marketing Policy/Strategy. Attach additional sheets as needed. Also, attach any additional considerations.				
8. Changes and Revisions: By signing this form, the applicant agrees, after the appropriate consultation with OHCP or OHFA to change any part of the plan covering a multifamily project to ensure continued compliance with OHCP and OHFA's Affirmative Marketing Policy and Section 200.620 of 24 CFR of HUD's Affirmative Marketing Regulations.				
Signature of Person Submitting this Plan and Date of Submission:		Name (type or print)	Title and Name of Company	
Date: _____				

Previous Editions Obsolete

ODO Form AFHM-98

FAIR HOUSING ADVERTISING

Editor's Note: 24 CFR Part 109 is no longer a part of the Code of Federal Regulations (CFR). Part 109 was withdrawn from the CFR by directive no. FR-4029-F-01, effective May 1 1996. Part 109 regulations are included here because they still apparently represent the position of the U.S. Department of Housing and Urban Development on advertising issues, except as superceded by Roberta Achtenberg's memo of January 9, 1995.

- [109.5 Policy](#)
- [109.10 Purpose](#)
- [109.15 Definitions](#)
- [109.16 Scope](#)
- [109.20 Use of words, phrases, symbols, and visual aids](#)
- [109.25 Selective use of advertising media or content](#)
- [109.30 Fair housing policy and practices](#)
- [Appendix I to Part 109 -- Fair Housing Advertising](#)

Part 110 – Fair Housing Poster

Subpart A – Purpose and Definitions

- [110.1 Purpose](#)
- [110.5 Definitions](#)

Subpart B – Requirements for Display of Posters

- [110.10 Persons subject](#)
- [110.15 Location of posters](#)
- [110.20 Availability of posters](#)
- [110.25 Description of posters](#)

Subpart C – Enforcement

- [110.30 Effect of failure to display poster](#)

109.5 Policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. The provisions of the Fair Housing Act (42 U.S.C. 3600, et seq.) make it unlawful to discriminate in the sale, rental, and financing of housing, and in the provision of brokerage and appraisal services, because of race, color, religion, sex, handicap, familial status, or national origin. Section 804(c) of the Fair Housing Act, 42 U.S.C. 3604(c), as amended, makes it unlawful to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination. However, the prohibitions of the act regarding familial status do not apply with respect to housing for older persons, as defined in section 807(b) of the act.

109.10 Purpose

The purpose of this part is to assist all advertising media, advertising agencies and all other persons who use advertising to make, print, or publish, or cause to be made, printed, or published, advertisements with respect to the sale, rental, or financing of dwellings which are in compliance with the requirements of the Fair Housing Act. These regulations also describe the matters this Department will review in evaluating compliance with the Fair Housing Act in connection with investigations of complaints alleging discriminatory housing practices involving advertising.

110.15 Definitions

As used in this part:

- (a) Assistant Secretary means the Assistant Secretary for Fair Housing and Equal Opportunity.
- (b) General Counsel means the General Counsel of the Department of Housing and Urban Development.
- (c) Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (d) Family includes a single individual.
- (e) Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 U.S.C., receivers, and fiduciaries.
- (f) To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (g) Discriminatory housing practice means an act that is unlawful under section 804, 805, 806, or 818 of the Fair Housing Act.
- (h) Handicap means, with respect to a person --
 - (1) A physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) A record of having such an impairment, or
 - (3) Being regarded as having such an impairment.

This term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite.

- (i) Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with --
 - (1) A parent or another person having legal custody of such individual or individuals; or
 - (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

109.16 Scope

- (a) General. This part describes the matters the Department will review in evaluating compliance with the Fair Housing Act in connection with investigations of complaints alleging discriminatory housing practices involving advertising. Use of these criteria will be considered by the General Counsel in making determinations as to whether there is reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.
 - (1) Advertising media. This part provides criteria for use by advertising media in determining whether to accept and publish advertising regarding sales or rental transactions. Use of these criteria will be considered by the General Counsel in making determinations as to whether there is reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.
 - (2) Persons placing advertisements. A failure by persons placing advertisements to use the criteria contained in this part, when found in connection with the investigation of a complaint alleging the making or use of discriminatory advertisements, will be considered by the General Counsel in making a determination of reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.
- (b) Affirmative advertising efforts. Nothing in this part shall be construed to restrict advertising efforts designed to attract persons to dwellings who would not ordinarily be expected to apply, when such efforts are pursuant to an affirmative marketing program or undertaken to remedy the effects of prior discrimination in connection with the advertising or marketing of dwellings. (54 FR 3308, Jan. 23, 1989, as amended at 55 FR 53294, Dec. 28, 1990)

109.20 Use of Words, Phrases, Symbols and Visual Aids

The following words, phrases, symbols and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory preferences or limitations. In considering a complaint under the Fair Housing Act, the Department will normally consider the use of these and comparable words, phrases, symbols and forms to indicate a possible violation of the act and to establish a need for further proceedings on the complaint. If it is apparent from the context of the usage that discrimination within the meaning of the act is likely to result.

- (a) Words descriptive of dwelling, and lord and tenants. White private home, Colored home, Jewish home, Hispanic residence, adult building.
- (b) Words indicative of race, color, religion, sex, handicap, familial status or national origin –
 - (1) Race – Negro, Black, Caucasian, Oriental, American Indian.
 - (2) Color – White, Black, Colored.
 - (3) Religion – Protestant, Christian, Catholic, Jew,
 - (4) National origin – Mexican American, Puerto Rican, Philippine, Polish, Hungarian, Irish, Italian, Chicano, African, Hispanic, Chinese, Indian, Latino.
 - (5) Sex – the exclusive use of words in advertisements, including the rental of separate units in a single or multi-family dwelling, stating or tending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved.

Nothing in this part restricts advertisements of dwellings used exclusively for dormitory facilities by educational institutions.

- (6) Handicap – crippled, blind, deaf, mentally ill, retarded, impaired, handicapped, physically ft. Nothing in the part restricts the inclusion of information about the availability of accessible housing in advertising of dwellings.
 - (7) Familial status – adults, children, singles, mature persons. Nothing in this part restricts advertisements of dwellings which are intended and operated for occupancy by older persons and which constitute housing for older persons as defined in part 100 of this title.
 - (8) Catch words – Words and phrases used in a discriminatory context should be avoided, e.g., restricted, exclusive, private integrated, traditional, board approval or membership approval.
- (c) Symbols or logotypes which imply or suggest race, color, religion, sex handicap, familial status or national origin.
 - (d) Colloquialisms. Words or phrases used regionally or locally which imply or suggest race, color, religion, sex, handicap, familial status or national origin.
 - (e) Directions to real estate for sale or rent (use of maps or written instructions). Directions can imply a discriminatory preference, limitation or exclusion. For example, references to real estate location made in terms of racial or national origin significant landmarks, such as an existing black development (signal to whites). Specific directions which make reference to a racial or national origin significant are may indicate a preference. References to a synagogue, congregation or parish may also indicate a religious preference.
 - (f) Area (location) description. Names of facilities which cater to a particular racial, national origin or religious group, such as country club or private school designations, or names of facilities which are used exclusively by one sex may indicate a preference.

109.25 Selective Use of Advertising Media or Content

The selective use of advertising media or content when particular combinations thereof are used exclusively with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of the Fair Housing Act. For example, the use of English language media alone or the exclusive use of media catering to the majority population in an area, when, in such area, there are also available non-English language or other minority media, may have discriminatory impact. Similarly, the selective use of human models in advertisements may have discriminatory impact. The following are examples of selective use of advertisements, which may be discriminatory.

- (a) Selective geographic advertisements. Such selective use may involve the strategic placement of billboards; brochure advertisements distributed within a limited geographic area by hand or in the mail; advertising in particular geographic coverage editions of major metropolitan newspapers or in newspapers of limited circulation which are mainly advertising vehicles for reaching a particular segment of the community; or displays or announcements available only in selected sales offices.
- (b) Selective use of equal opportunity slogan or log. When placing advertisements, such selective use may involve placing the equal housing opportunity slogan or log in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

- (c) Selective use of human models when conducting an advertising campaign. Selective advertising may involve an advertising campaign using human models primarily in media that cater to one racial or national origin segment of the population without a complementary advertising campaign that is directed at other groups. Another example may involve use of racially mixed models by the developer to advertise one development and not others. Similar care must be exercised in advertising in publications or other media directed at one particular sex, or at persons without children. Such selective advertising may involve the use of human models of members of only one sex, or of adults only, in displays, photographs or drawings to indicate preferences for one sex or the other, or for adults to the exclusion of children.

109.30 Appendix I to Part 109 – Fair Housing Advertising

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for advertising:

Table I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. In all space advertising (advertising in regularly printed media such as newspapers or magazines) the following standards should be used:

Size of advertisement	Size of logotype in inches
½ page or larger	2x2
1/8 page up to ½ page	1x1
4 column inches to 1/8 page	½ x ½
Less than 4 column inches	Do not use

In any other advertisements, if other logotypes are used in the advertisement, then the Equal Housing Opportunity logo should be of a size at least equal to the largest of the other logotypes; if no other logotypes are used, then the type should be bold display face which is clearly visible. Alternatively, when no other logotypes are used, three to five percent of an advertisement may be devoted to a statement of the equal housing opportunity policy.

In space advertising which is less than 4 column inches (one column 4 inches long or two columns two inches long) of a page in size, the Equal Housing Opportunity slogan should be used. Such advertisements may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, sex, handicap, familial status, or national origin.

Table II

Illustrations of Logotype, Statement, and Slogan. Equal Housing Opportunity Logotype:



Equal Housing Opportunity Statement: We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin. Equal Housing Opportunity Slogan: "Equal Housing Opportunity."

Table III

Illustration of Media Notice -- Publisher's notice: All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination."

We will not knowingly accept any advertising for real estate, which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis

110.1 Purpose

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804 through 805 of the Fair Housing Act, 42 U.S.C. 3604-3606. [54 FR 3310, Jan. 23, 1989]

110.5 Definitions

- (a) The terms Department and Secretary are defined in 24 CFR part 5.
- (b) Discriminatory housing practice means an act that is unlawful under section 804, 805, 806, or 818 of the Act.
- (c) Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (d) Family includes a single individual.
- (e) Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 U.S.C., receivers and fiduciaries.

- (f) Fair housing poster means the poster prescribed by the Secretary for display by persons subject to sections 804-806 of the Act.
- (g) Person in the business of selling or renting dwellings means a person as defined in section 803(c) of the Act. [37 FR 3429, Feb. 16, 1972, as amended at 54 FR 3311, Jan. 23, 1989; 61 FR 5205, Feb. 9, 1996]

110.10 Persons Subject

- (a) Except to the extent that paragraph (b) of this section applies, all persons subject to section 804 of the Act, Discrimination in the Sale or Rental of Housing and Other Prohibited Practices, shall post and maintain a fair housing poster as follows:
 - (1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.
 - (2) With respect to all other dwellings covered by the Act:
 - (i) A fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and
 - (ii) A fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings instead of at each of the individual dwellings.
 - (3) With respect to those dwellings to which paragraph (a)(2) of this section applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.
- (b) This part shall not require posting and maintaining a fair housing poster:
 - (1) On vacant land, or
 - (2) At any single-family dwelling, unless such dwelling
 - (i) Is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(2)(ii) of this section, or
 - (ii) Is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(1) of this section,
- (c) All persons subject to section 805 of the Act, Discrimination In Residential Real Estate-Related Transactions shall post and maintain a fair housing poster at all their places of business which participate in the covered activities.

- (d) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business. [37 FR 3429, Feb. 16, 1972, as amended at 54 FR 3311, Jan. 23, 1989]

110.15 Location of Posters

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or seeking to engage in residential real estate-related transactions or brokerage services as contemplated by sections 804 through 806 of the Act. [54 FR 3311, Jan. 23, 1989]

110.20 Availability of Posters

All persons subject to this part may obtain fair housing posters from the Department's regional and area offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department. [37 FR 3429, Feb. 16, 1972]

110.25 Description of Poster

- (a) The fair housing poster shall be 11 inches by 14 inches and shall bear the following legend:



We do Business in Accordance With the Fair Housing Act

(The Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988)

IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS (HAVING ONE OR MORE CHILDREN), OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.
- In the financing of housing.
- In the appraisal of housing.
- In the provision of real estate brokerage services.

Blockbusting is also illegal.

Anyone who feels he or she has been discriminated against should send a complaint to: U.S. Department of Housing and Urban Development, Assistant Secretary for Fair Housing and Equal Opportunity, Washington, DC 20410;

or

HUD Region or [Area Office stamp]

- (b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

[37 FR 3429, Feb. 16, 1972, as amended at 40 FR 20079, May 8, 1975; 54 FR 3311, Jan. 23, 1989]

110.30 Effect of Failure to Display Poster

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice. [37 FR 3429, Feb. 16, 1972]

**U. S. Department of Housing and Urban Development
Washington, D.C. 20410-2000
January 9, 1995**

MEMORANDUM FOR: FHEO Office Directors, Enforcement Directors, Staff, Office of Investigations, Field Assistant General Counsel

FROM: Roberta Achtenberg, Assistant Secretary for Fair Housing and Equal Opportunity, E

SUBJECT: Guidance Regarding Advertisements Under 804(c) of the Fair Housing Act

The purpose of this memorandum is to provide guidance on the procedures for the acceptance and investigation of allegations of discrimination under Section 804(c) of the Fair Housing Act (the Act) involving the publication of real estate advertisements. (This memorandum does not address fair housing issues associated with the publication of advertisements containing human models, and does not address 804(c) liability for making discriminatory statement.)

Recently, the number of inquiries involving whether or not potential violations of the Act occur through use of certain words or phrases has increased, and these issues cannot, in some situations, be answered by referring to decided cases alone. In some circumstances, the Advertising Guidelines, published at 24C.F.R. Part 109, have been interpreted (usually by persons outside of HUD) to extend the liability for advertisements to circumstances which are unreasonable.

This guidance is meant to advise you of the Department's position on several of these issues.

Previous guidance already requires that Intake staff review a potential complaint, gather preliminary information to ascertain whether the complaint states a claim under the Act, and consult with counsel on any legally questionable matters before the complaint is filed. Likewise, jurisdictional issues such as standing and timeliness should also be established prior to filing.

If the Advertising Guidelines, this memorandum, or a judicial decision clearly indicate that the language used in the advertisement is a potential violation of Section 804(c) and the criteria for establishing jurisdiction are met, the complaint should be filed and processed. Any complaint concerning an advertisement which requires an assessment of whether the usage of particular words or phrases in context is discriminatory, requires the approval of Headquarters FHEO before a complaint is filed. If the advertisement appears to be discriminatory, but the Advertising Guidelines, this memorandum, or a Judicial decision do not explicitly address the language in question, supervisory staff must also obtain approval of Headquarters FHEO before the complaint is filed. Potential complaints regarding advertisements which do not meet the above descriptions should not be filed.

Where there is a question about whether a particular real estate advertising complaint should be filed, relevant information regarding the factual and/or legal issues involved in the complaint should be gathered, and counsel should be consulted prior to contacting the potential respondent publisher. The matter should then be referred to the Office of Investigations for review. Such referrals may take the form of a short memo, reciting the applicable advertisement language, and any factual or legal analysis which is appropriate.

Section 804(c) of the Act prohibits the making, printing and publishing of advertisements which state a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The prohibition applies to publishers, such as newspapers and directories, as well as to persons and entities who place real estate advertisements. It also applies to advertisements where the underlying property may be exempt from the provisions of the Act, but where the advertisement itself violates the Act. See 42 U.S.C. 3603 (b).

Publishers and advertisers are responsible under the Act for making, printing, or publishing an advertisement that violates the Act on its face. Thus, they should not publish or cause to be published an advertisement that on its face expresses a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. To the extent that either the Advertising Guidelines or the case law do not state that particular terms or phrases (or closely comparable terms) may violate the Act, a publisher is not liable under the Act for advertisements which, in the context of the usage in a particular advertisement, might indicate a preference, limitation or discrimination, but where such a preference is not readily apparent to an ordinary reader. Therefore, complaints will not be accepted against publishers concerning advertisements where the language might or might not be viewed as being used in a discriminatory context.

For example, Intake staff should not accept a complaint against a newspaper for running an advertisement, which includes the phrase female roommate wanted because the advertisement does not indicate whether the requirements for the shared living exception have been met. Publishers can rely on the representations of the individual placing the ad that shared living arrangements apply to the property in question. Persons placing such advertisements, however, are responsible for satisfying the conditions for the exemption. Thus, an ad for a female roommate could result in liability for the person placing the ad if the housing being advertised is actually a separate dwelling unit without shared living spaces. See 24 CFR 109.20.

Similarly, Intake staff should not file a familial status complaint against a publisher of an advertisement if the advertisement indicates on its face that it is housing for older persons. While an owner-respondent may be held responsible for running an advertisement indicating an exclusion of families with children if his or her property does not meet the "housing for older persons" exemption, a publisher is entitled to rely on the owner's assurance that the property is exempt.

The following is policy guidance on certain advertising issues which have arisen recently. We are currently reviewing past guidance from this office and from the Office of General Counsel and will update our guidance as appropriate.

1. Race, color, National origin. Real estate advertisements should state no discriminatory preference or limitation on account of race, color, or national origin. Use of words describing the housing, the current or potential residents, or the neighbors or neighborhood in racial or ethnic terms (i.e. white family home, no Irish) will create liability under this section.

However, advertisements, which are facially neutral, will not create liability. Thus, complaints over use of phrases such as master bedroom, rare find, or desirable neighborhood should not be filed.

2. Religion. Advertisements should not contain an explicit preference, limitation or discrimination on account of religion (i.e. no Jews, Christian home). Advertisements which use the legal name of an entity which contains a religious reference (for example, Roselawn Catholic Home), or those which contain a religious symbol, (such as a cross), standing alone, may indicate religious preference. However, if such an advertisement includes a disclaimer (such as the statement "This Home does not discriminate on the basis of race, color, religion, national origin, sex, handicap or familial status") it will not violate the Act. Advertisements containing descriptions of properties (apartment complex with chapel), or services (kosher meals available) do not on their face state a preference for persons likely to make use of those facilities, and are not violations of the Act.

The use of secularized terms or symbols relating to religious holidays such as Santa Claus, Easter Bunny, or St. Valentine's Day images, or phrases such as Merry Christmas, Happy Easter, or the like does not constitute a violation of the Act.

3. Sex. Advertisements for single family dwellings or separate units in a multi-family dwelling should contain no explicit preference, limitation or discrimination based on sex. Use of the term master bedroom does not constitute a violation of either the sex discrimination provisions or the race discrimination provisions. Terms such as "mother-in-law suite" and "bachelor apartment" are commonly used as physical descriptions of housing units and do not violate the Act.
4. Handicap. Real estate advertisements should not contain explicit exclusions, limitations, or other indications of discrimination based on handicap (i.e., no wheelchairs). Advertisements containing descriptions of properties (great view, fourth-floor walk-up, walk-in closets), services or facilities (jogging trails), or neighborhoods (walk to bus-stop) do not violate the Act. Advertisements describing the conduct required of residents ("non-smoking", "sober") do not violate the Act. Advertisements containing descriptions of accessibility features are lawful (wheelchair ramp).
5. Familial status. Advertisements may not state an explicit preference, limitation or discrimination based on familial status. Advertisements may not contain limitations on the number or ages of children, or state a preference for adults, couples or singles. Advertisements describing the properties (two bedroom, cozy, family room), services and facilities (no bicycles allowed) or neighborhoods (quiet streets) are not facially discriminatory and do not violate the Act.

Please contact Sara R. Pratt, Director, Office of Investigations or Susan Forward, Deputy Assistant Secretary for Enforcement and Investigations, for further information.

FAIR HOUSING RESOURCES

FAIR HOUSING RESOURCES

□ Fair Housing Poster

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or seeking to engage in residential real estate-related transactions or brokerage services as contemplated by sections 80 through 806 of the Fair Housing Act. Posters can be ordered from HUD Direct Distribution Center at <https://webapps1.hud.gov/dds/>:

- Fair Housing Poster in English is form HUD-928.1
- Fair Housing Poster in Spanish is form HUD-928.1A

□ Equal Housing Opportunity Poster and Logo

The HUD Fair Housing Equal Housing Opportunity poster and logo is available from HUD at <http://www.hud.gov/library/bookshelf09/index.cfm>

□ Other HUD Resources

Other HUD resources are available at http://www.fairhousing.com/hud_resources/index.htm

□ Fair Housing Regulations

Fair housing regulations, including Advertising and Discriminatory Acts are available at http://www.fairhousing.com/legal_research/regs/index.htm

OHIO ASSOCIATION OF AREA AGENCIES ON AGING

The Ohio Association of Area Agencies on Aging, a nonprofit organization, is a statewide network of agencies that provide services for the elderly, as well as advocate on behalf of older Ohioans. The association addresses issues, which have an impact on the aging network, provides services to members and serves as a collective voice for Ohio's area agencies on aging. Additional information regarding the association is available by visiting <http://www.ohioaging.org/ohio.html>.

District 1 (Cincinnati Area)

Council on Aging of Southwestern Ohio, Inc.

644 Linn Street, #1100

Cincinnati, Ohio 45203

(513) 721-1025

(513) 721-0090 (fax)

PASSPORT: 1 (800) 252-0155

Ombudsman: 1 (800) 488-6070

Serving Butler, Clermont, Clinton, Hamilton and Warren Counties.

District 2 (Dayton Area)

Area Agency on Aging, PSA 2

6 S. Patterson Blvd., #200

Dayton, Ohio 45402

(937) 341-3000

(937) 341-3005 (fax)

PASSPORT: 1 (800) 258-7277

Ombudsman: 1 (800) 395-8267

Serving Champaign, Clark, Darke, Greene, Logan, Miami, Montgomery, Preble and Shelby Counties

District 3 (Lima Area)

Area Agency on Aging, PSA 3

892-A South Cable Road

Lima, Ohio 45805

(419) 222-7723

(419) 222-6212 (fax)

PASSPORT: 1 (800) 653-7277

Ombudsman: 1 (800) 653-7778

Serving Allen, Auglaize, Hancock, Hardin, Mercer, Putnam and Van Wert Counties.

District 4 (Toledo Area)

Area Office on Aging of Northwestern Ohio, Inc.

2155 Arlington Avenue

Toledo, Ohio 43609-0624

(419) 382-0624

(419) 382-4560 (fax)

PASSPORT: 1 (800) 472-7277

Ombudsman: 1 (800) 542-1874

Serving Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Paulding, Sandusky, Williams and Wood Counties.

District 5 (Mansfield Area)

Ohio District 5 Area Agency on Aging, Inc.

780 Park Avenue, West

P.O. Box 1978 (mail only)

Mansfield, Ohio 44901

(419) 524-4144

(419) 522-9482 (fax)

PASSPORT: 1 (800) 860-5799

Ombudsman: 1 (800) 686-1639

Serving Ashland, Crawford, Huron, Knox, Marion, Morrow, Richland, Seneca and Wyandot Counties.

District 6 (Columbus Area)

Central Ohio Area Agency on Aging

174 E. Long Street

Columbus, Ohio 43215

(614) 645-7250

(614) 645-3884 (fax)

PASSPORT: 1 (800) 589-7277

Ombudsman: 1 (800) 536-5891

Serving Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Pickaway and Union Counties.

District 7 (Rio Grande Area)

Area Agency on Aging District 7, Inc.

218 N. College/MSC-F32 (mail only)

119 Bevo Francis Way (deliveries)

Rio Grande, Ohio 45674

(740) 245-5306

(740) 245-5979 (fax)

PASSPORT: 1 (800) 648-2575

Ombudsman: 1 (800) 648-2575

Serving Adams, Brown, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto and Vinton Counties.

District 8 (Marietta Area)

Area Agency on Aging - Buckeye Hills-Hocking Valley Regional Development District

Route 1/Box 299D

Marietta, Ohio 45750

(740) 374-9436

(740) 374-8038 (fax)

PASSPORT: 1 (800) 331-2644

Ombudsman: 1 (800) 833-0830

Serving Athens, Hocking, Meigs, Monroe, Morgan, Noble, Perry and Washington Counties.

District 9 (Cambridge Area)
Area Agency on Aging Region 9
60788 Southgate Road, S.R. 209S
Byesville, Ohio 43723
(740) 439-4478
(740) 432-1060 (fax)

PASSPORT: 1 (800) 932-7277
Ombudsman: 1 (800) 967-0615

Serving Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum and Tuscarawas Counties.

District 10A (Cleveland Area)
Western Reserve Area Agency on Aging
925 Euclid Avenue, #600
Cleveland, Ohio 44115
(216) 621-8010
(216) 621-9262 (fax)

PASSPORT: 1 (800) 626-7277
Ombudsman: 1 (800) 365-3112

Serving Cuyahoga, Geauga, Lake, Lorain and Medina Counties.

District 10B (Akron Area)
Area Agency on Aging, PSA 10B
1550 Corporate Woods Pkwy. #100
Uniontown, Ohio 44685
(330) 896-9172
(330) 896-6644 (fax)

PASSPORT: 1 (800) 421-7277
Ombudsman: 1 (800) 421-7277

Serving Portage, Stark, Summit and Wayne Counties.

District 11 (Youngstown Area)
District XI Area Agency on Aging
25 E. Boardman Street
Youngstown, Ohio 44503
(330) 746-2938
(330) 746-6700 (fax)

PASSPORT: 1 (800) 686-7367
Ombudsman: 1 (800) 589-5826

Serving Ashtabula, Columbiana, Mahoning and Trumbull Counties.

Resources for Persons with Disabilities

OHIO LEGAL RIGHTS SERVICE (OLRS)

OLRS is an independent state agency and the federally and state-designated Protection and Advocacy System and Client Assistance Program for people with disabilities. Its mission is to protect the human civil and legal rights of Ohioans with disabilities. Its goal is to achieve and maintain self-determination and equality of opportunity.

The agency frequently publishes materials about current issues, services or programs. OLRs produced a series of three housing guides that provide information and increase awareness and skills. Like all of the OLRs materials, the housing guides' primary purpose is to impart self-advocacy skills to people with disabilities and family members.

The *Report on Housing* looks at housing issues facing people with disabilities and shows that obtaining housing is especially difficult because of barriers of affordability, accessibility and the lack of advocacy. The report includes recommendations, information on SSI, the current cost of rent in Ohio, housing facts and resources and a chart of housing programs.

Advocating for Housing describes how to advocate to make housing more affordable, available and accessible. It also provides information on learning about housing issues, developing an advocacy message and housing rights and contacts.

Information on Housing describes details on housing programs, names and numbers of agencies that help people who need housing and lists of housing..

You may visit the OLRs Web site for more information at <http://www.state.oh.us/olrs> or contact OLRs at:

Ohio Legal Rights Service
8 East Long Street, Suite 500
Columbus Ohio 43215-2999
Telephone: 1 (800) 282-9181
TTY (800) 858-3542
Fax: (614) 644-1888

OHIO CENTERS FOR INDEPENDENT LIVING

Ohio Centers for Independent Living provide four core services:

Independent Living Skills Training -- Includes classes on how to hire and manage personal assistants or manage a personal household and budget, plus ways to access public transportation systems or deal with discriminatory behaviors. One-on-one and group supports are also available to help people get the skills necessary for independent lifestyles.

Peer Support – Staff members with like disabilities who are living independently are always available to talk with and provide support for consumers. Problem solving in areas such as learning to use community services more easily, adjusting to a newly acquired disability or a change in living accommodations are only a few topics that can be discussed. Individual and group support through role models encourages consumers to seek ways to enhance their quality of life and to contribute to their communities.

Advocacy – Centers provide three kinds of advocacy:

- ❑ self advocacy (working with consumers to obtain necessary services from other agencies or to address discriminatory practices);
- ❑ community advocacy (staff, board members and volunteers actively pursuing changes in the community that will make independent living attainable for all consumers); and
- ❑ system advocacy (motivating changes and reforms in state and national regulations, laws and systems).

Information and Referral

There are currently nine CILs in Ohio, plus two satellites that employ more than 100 people, about 75 percent of whom have disabilities themselves. These centers provide individualized service, including community education and public information services and information about equipment loans, home modifications and recreational activities.

To locate the center nearest to you, visit <http://www.ohiosilc.org/about/cils.html>

AXIS CENTER FOR PUBLIC AWARENESS OF PEOPLE WITH DISABILITIES

AXIS was formed in 1992 to create a positive public awareness of people with disabilities and strengthen the voices of people with disabilities through advocacy. Staff selected the name “AXIS: because it represents “the center,” the point about which elements rotate; it also represents a partnership or alliance. All these meanings relate to the purpose of AXIS – to be a center of resources, referral, education and training for people with and without disabilities. Many AXIS activities and products are funded by the Ohio Developmental Disabilities Council under the Development Disabilities Assistance and Bill of Rights Act, Public Law 104-183.

For more information, contact AXIS at:

AXIS Center
4550 Indianola Avenue
Columbus, Ohio 43214-2246
Telephone: (614) 262-8124
TTY: (614) 267-4550
Fax: (800) 231-2947
Web site: <http://www.axiscenter.org>

OPENING DOORS

Opening Doors is a joint effort by the Technical Assistance Collaborative, Inc. and the Consortium for Citizens with Disabilities Housing Task Force. It is a housing initiative designed to provide information and technical assistance regarding affordable housing issues to people with disabilities, their families, advocates and service providers across the United States.

The Opening Doors initiative includes:

- ❑ *Opening Doors* – a quarterly newsletter;
- ❑ state of the art technical assistance;
- ❑ information dissemination;
- ❑ policy reports and recommendation to the U.S. Department of Housing and Urban Development and to Congress.

BAZELON CENTER FOR MENTAL HEALTH LAW

The Judge David L. Bazelon Center for Mental Health Law is a nonprofit legal advocacy organization based in Washington D.C. Known until 1993 as the Mental Health Law Project, the organization's name today honors the federal appeals court judge whose landmark decisions pioneered the field of mental health law. The center's advocacy is based on the principal that every individual is entitled to choice and dignity. For many people with mental disabilities, this means something as basic as having a decent place to live, supportive services and equality of opportunity.

Since 1972, Bazelon Center has successfully challenged many barriers. Their precedent setting litigation has outlawed institutional abuse and won protections against arbitrary confinement. In the courts and in Congress, the organization's advocacy has opened up public schools, workplaces, housing and other opportunities.

For more information, visit <http://www.bazelon.org>. On this Web site, Internet users will find news and analysis of federal laws, regulations, legislative proposals and court decisions in each area.

AMERICANS WITH DISABILITIES MATERIALS

The U.S. Department of Justice provides free Americans with Disabilities materials. Printed materials may be ordered by calling (800) 514-0301 or TDD (800) 514-0383. Automated service is available 24 hours per day. Visit the Web site at <http://www.usdoj.gov/crt/ada/publicat.htm>

ACCESS BOARD

The Access Board is an independent federal agency devoted to accessibility for people with disabilities. It operates about 30 staff and a governing board of representatives from federal departments and public members appointed by the President. Key responsibilities of the board include:

1. Developing and maintaining accessibility requirements for the built environment, transit vehicles, telecommunications equipment and for electronic and information technology;
2. Providing technical assistance and training on these guidelines and standards; and
3. Enforcing accessibility standards for federally funded facilities.