

Tax Credit Assistance Program

Affirmative Marketing Policy and Procedures

I. Statement of Policy:

In accordance with the Tax Credit Assistance Program (“TCAP”) requirements and in furtherance of the Tennessee Housing Development Agency’s (“THDA”) commitment to non-discrimination and equal opportunity in housing, THDA has established this Tax Credit Assistance Program Affirmative Marketing Policy and Procedures (the “Plan”) to affirmatively market housing units receiving TCAP assistance. This Plan is intended to further the objectives of Title VIII of the Civil Rights Act of 1968, as amended, Executive Order 11063, as amended and Executive Order 13166.

THDA is committed to the goals of affirmative marketing for all properties that receive TCAP assistance. All TCAP assisted properties shall comply with this Plan.

II. Implementation Procedures:

Informing the Public, Tenants and Owners about Upcoming Rental Housing Opportunities:

1. Informing the Public: TCAP recipients shall inform the public of their proposed activities through local media advertisements and announcements that include the Equal Opportunity logo or slogan. TCAP recipients shall notify the local Public Housing Authority (PHA) and request that applicants on the PHA waiting lists be informed of the upcoming availability of rental units. Community organizations, places of worship, employment centers, fair housing groups, human resources agencies and housing counseling agencies shall be informed about the upcoming rental opportunities.
2. Informing Tenants: If TCAP funding is used to rehabilitate a property, the TCAP recipient shall mail letters to the current tenants informing them of the impending property rehabilitation. This letter shall include a fair housing statement along with the Equal Opportunity logo or slogan.
3. Informing Owners: TCAP recipients shall sign a certification that they have received, read, understood and complied with all requirements set forth in this Plan. This certification will be required prior to receiving any TCAP funds.

III. Requirements and Practices:

TCAP recipients must adhere to each element of this Plan. The elements of this Plan include, but are not limited to:

1. Institute policies and procedures which negate the impact of (i) exclusionary zoning practices and (ii) discrimination aimed at those persons in the following classes (Note: this list is not exhaustive):

- a. Minority race or ethnicity;
 - b. Limited English proficient persons;
 - c. Households headed by a single person;
 - d. Disabled persons;
 - e. Elderly persons; and
 - f. Families with children.
2. Provide translated materials for persons who are limited English proficient.
 3. Adhere to the practices and procedures required under Sections IV(2)(a-c) of this Plan.
 4. Maintain records describing actions taken to affirmatively market the rental units, and maintain records assessing the results of such actions (see, Section V below).
 5. Maintain records outlining the success/failure of all affirmative marketing actions taken, and maintain records of any corrective action required by THDA and/or undertaken by the TCAP recipient.

IV. Special Outreach:

1. TCAP recipients shall identify groups within their market area that are least likely to apply for the assisted housing. In determining which groups may require special outreach, the TCAP recipient shall consider the following factors:
 - a. Practices or policies of discrimination such as exclusionary zoning practices;
 - b. Language barriers;
 - c. Defining characteristics of the neighborhood (census tract) in which the property is to be located, such as racial/ethnic composition, households headed by single persons, persons with disabilities, the elderly and families with children.
2. Having identified these groups, TCAP recipients must, at a minimum, conduct the following outreach:
 - a. Send notification of upcoming vacancies to the local offices of the Department of Human Services, Department of Children Services and the Human Resources Agency.
 - b. Contact the local PHA and ask that they inform applicants on their waiting lists.
 - c. Contact community organizations, places of worship, and employment centers to solicit applications from persons in the market area identified as not likely to apply without special outreach.

- d. As appropriate, provide translations of all marketing materials for persons with limited English proficiency.
- e. As appropriate, place marketing materials in minority-owned media outlets, and work with such outlets to provide translations of such marketing materials, if necessary.
- f. As appropriate, provide translations for such things as application procedures, tenancy and project amenities to insure the recipients in these special outreach groups understand important information about the project.

V. Recordkeeping:

TCAP recipients shall maintain the following records:

- 1. The racial, ethnic, gender, disability status, age and household composition characteristics of tenants and applicants in the same manner as records are required to be kept for purposes of tenant records under Section 42 of the Internal Revenue Code of 1986, as amended, or as otherwise directed by THDA.
- 2. Activities undertaken to accomplish special outreach and inform the general public of the availability of the assisted rental units; specifically copies of advertisements and contact dates for local offices of identified State/local agencies and other community organizations.
- 3. A record of the results of each special outreach effort made by the TCAP recipient to encourage and enable the persons identified in Section V(1) of this Plan to obtain housing within the TCAP assisted property.

VI. Assessment and Corrective Actions:

THDA will assess the affirmative marketing efforts of TCAP recipients and will evaluate the following:

- 1. Determination of Good Faith Efforts: Affirmative marketing actions taken by the TCAP recipient will be compared to required actions. If documentation supports that required actions have been carried out, then a determination of good faith efforts will be supported.
- 2. Determination of Results: Affirmative marketing actions taken by the TCAP recipient will be reviewed to determine if a variety of racial and ethnic groups as well as special outreach populations have applied for and/or become tenants of the TCAP assisted property.
- 3. Corrective Action by THDA: If the representation of racial/ethnic groups is not significant or the identified special outreach populations are not represented, THDA will review the affirmative marketing procedures to determine what changes, if any, might

make the affirmative marketing efforts more effective. Should THDA, in its sole discretion, determine that the efforts of the TCAP recipient, whether in good faith or not, are not achieving the desired results as set forth in Sections VI(1-2) of this Plan, THDA may take actions including, but not limited to, issuing a warning letter and requiring further actions by the TCAP recipient; recapturing all disbursed TCAP funds; terminating future TCAP funding; and other actions THDA, in its sole discretion, determines are warranted.