



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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TDHCA Affirmative Marketing, Best Practices for Single Family Programs

10 TAC § 20.9 Fair Housing, Waitlist Policy, Affirmative Marketing and Procedures, Homebuyer Counseling, Denials, Notice to Applicants, Reasonable Accommodations, and Limited English Proficiency, outlines requirements for recipients of single family programs which include the Department's HOME Investment Partnerships Program (HOME), State Housing Trust Fund (SHTF or HTF), Texas Neighborhood Stabilization (NSP), and Office of Colonia Initiatives (OCI) Programs and other single family Programs as developed by the Department.

This document is intended to give additional assistance to HOME Single Family Administrators and Colonia Self-Help Centers in understanding how to comply specifically with single family Affirmative Marketing requirements.

10 TAC §20.9(c) and §20.9(d) requires an Administrator receiving Federal funds to have a Waitlist Policy and an Affirmative Fair Housing Marketing Plan (AFHMP). The AFHMP must be submitted to the Department each time the Administrator applies for a new contract or a new type of activity. The plan must be submitted at a minimum of every three years if the Administrator continues to accept new applications.

The rule further requires in (d)(1)(A) that the Administrator identify the population "least likely to apply" for the Administrator's Program(s) without special outreach efforts. Administrators are strongly encouraged to use the Department's single family affirmative marketing tool to determine populations "least likely to apply" as the tool will identify those populations for the Administrator. If, however, Administrators choose to use another method to determine the populations "least likely to apply" the AFHMP must provide a detailed explanation of the methodology used. Persons with Disabilities must always be included as a population least likely to apply.

Do I have to use TDHCA's Affirmative Marketing Tool to determine least likely to apply populations?

The Single Family Affirmative Marketing Tool is meant to be an aid to Administrators and represents a Department-vetted process for determining least likely to apply. Administrators are not required to use the tool to determine their least likely to apply populations. However, should an Administrator choose to use a different method, they will need to submit detailed documentation supporting the determination of which populations were least likely to apply, and it will still need to include persons with disabilities as a least likely to apply population.

Using the Single Family Affirmative Marketing Tool

To access the Department's tool go to <http://www.tdhca.state.tx.us/pmcomp/sf-amt.htm>. Administrators for Colonia Self Help Centers should select the tool that is specific to that program



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P.O. Box 13941, Austin, TX 78711

512-475-3800
800-525-0657

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from the tool website. Administrators for all other programs should select the TDHCA Service Region that contains their service area. You can find the map of TDHCA Service Regions here: <https://www.tdhca.state.tx.us/pmcdocs/UniformServiceRegionsMap.pdf>.

In the tool, identify your program activity or activity type (Homebuyer, Rehabilitation, or Rental Assistance) and this will then allow you to identify your least likely to apply populations. The image below shows an example from TDHCA Service Region 1 for Homebuyer activities.

Activity: Homebuyer

- HOME Homebuyer Assistance
- HOME Single Family Development
- Homebuyer Assistance with New Construction Program

Least Likely to Apply Populations:

Race: None

Ethnicity: None

Other Groups: Persons with Disabilities

The tool displays the population groups that are least likely to apply. This information has been generated from a comparison between Census data and demographic data for households that have been served by the Department by that particular activity type, as reported in the Housing Contract System (HCS) database. The data were then aggregated to the regional level. Populations representing less than 1% of the total population of the region are not included in the data for the tool and are therefore not required to be included in your affirmative marketing.

All populations listed under “Least Likely to Apply” should be reflected in your Affirmative Marketing Plan. All Affirmative Marketing Plans must provide for affirmative marketing to Persons with Disabilities.

Determining How to Proceed with Affirmative Marketing Efforts

An Administrator could reach out to local groups representing those least likely to apply. Community contacts for the Affirmative Marketing Plan are organizations whose services are geared toward or whose clients are primarily members of a protected class. It is important to note that in order to count toward the minimum number of three required contacts, an organization’s clientele must consist primarily of members of at least one of the least likely to apply populations identified in the Affirmative Marketing Plan.

However, there are not always enough contacts in some of the less densely populated areas of Texas. If an Administrator is unable to find three community contacts covering least likely to apply populations, they would document the reasons why three qualifying contacts were not found. Additionally, three organizations would still need to be listed. As an example, if an Administrator found two organizations that served least likely to apply populations, they would submit documentation to the Department showing the search for a third qualifying contact and why one was not found.

An Administrator can use various online tools to locate information about organizations in the



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region, county, or service area. Where a simple Google or Google Earth search does not yield sufficient results, searches might be performed for outreach organizations serving specific least likely to apply populations in areas where large populations of “least likely to apply” populations live. Additional searches might also be performed by using online resources such as the following: <https://www.policymap.com/>, <http://www.211texas.org/>, www.onestarfoundation.com (fee-based service). Examples of such organizations could be health clinics, community action agencies, or other community-based charitable organizations such as Salvation Army. Consider contacting your local city or county Planning and Development Department and/or utilize Nonprofit and business directories from your local Chamber of Commerce Offices.

Utilize Community Commons (<https://www.communitycommons.org/maps-data/>) to access and map race and ethnicity data in the service area or region. Affirmative marketing efforts may be marketed to community centers, places of worship, libraries, and grocery stores in areas (census tracts, zip codes) with a high concentration of the least likely to apply population.

Specific examples:

- Least likely to apply population: **People with Disabilities**
 - Local Center for Independent Living (“CIL”), list of CILs and associations in Texas. CILs serve persons with all disability types; not all counties are covered: http://www.txsilc.org/page_CILs.html
 - Aging and Disability Resource Center (“ADRC”) – intake and referral for persons with physical disabilities and intellectual or developmental disabilities (IDD) - all counties are covered: <https://www.dads.state.tx.us/contact/search.cfm>
 - Local Intellectual and Developmental Disability Authority (LIDDA) – serves persons with IDD - all counties are covered: <https://www.dads.state.tx.us/contact/search.cfm>
 - Local Mental Health Authority (LMHA) – serves persons with Mental Illness and Substance Use disorders -all counties are covered: <https://www.dshs.texas.gov/mhservices-search/>
 - Local non-profits in your area serving people with disabilities
 - Call 211 and ask about resources for people with disabilities in your area, reach out to groups serving people with disabilities in your community

- Least likely to apply population: **Asian**
 - Reach out to the Asian real estate association
 - Asian Chamber of Commerce
 - Asian American Resource Center
 - Local organizations serving the Asian community
 - Community centers, places of worship, libraries, grocery stores in areas with a high concentration of the racial group. Consider utilizing Community Commons (<https://www.communitycommons.org/maps-data/>) to map race and ethnicity data in the service area or region.

- Least likely to apply population: **Black/African American**
 - Black Chamber of Commerce
 - Black Professionals Social Network
 - Weekly black newspaper/website for a city
 - Local “NAACP” (National Association for the Advancement of Colored People)



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- Chapter: <http://www.naacp.org/find-local-unit/>
- Local community center or YMCA in a historically black neighborhood Community centers, places of worship, libraries, grocery stores in areas with a high concentration of the racial group. Consider utilizing Community Commons (<https://www.communitycommons.org/maps-data/>) to map race and ethnicity data in the service area or region.
 - Least likely to apply population: **White/Caucasian**
 - Community centers, places of worship, libraries, grocery stores in areas with a high concentration of the racial group. Consider utilizing Community Commons (<https://www.communitycommons.org/maps-data/>) to map race and ethnicity data in the service area or region.
 - Least likely to apply population: **Hispanic**
 - Reach out to the Hispanic Chamber of Commerce
 - Young Hispanic Professional Association
 - The Hispanic Alliance
 - Mexican American Cultural Center
 - Local "LULAC" (League of United Latin American Citizens) Chapter: http://lulac.org/about/find_lulac_councils/
 - Local Spanish language publications
 - Community centers, places of worship, libraries, grocery stores in areas with a high concentration of the racial group. Consider utilizing Community Commons (<https://www.communitycommons.org/maps-data/>) to map race and ethnicity data in the service area or region.
 - Least likely to apply population: **Households with Children**
 - Local schools, churches, daycares
 - Local parenting organizations
 - Local community center or YMCA
 - Community centers, places of worship, libraries, grocery stores in areas with a high concentration of the households with children. Consider utilizing Community Commons (<https://www.communitycommons.org/maps-data/>) to map households with children in the service area or region.

Waitlist Policy

The requirement to have a waitlist policy is to make sure that applicants are not selected for service on a first-come first-served basis. While an Administrator may not anticipate more applications than it can serve, the Department still requires a plan for this possibility and to institute at least the 30 day minimum application period as well as the neutral random selection process for use at the end of the application period.

The following waitlist policy would be sufficient for an Administrator with no requested preferences or limitations:

"Once the Administrator begins Affirmative Marketing, it will continue to Affirmatively Market for at least 20 days before accepting applications. Once the Administrator begins accepting applications, they will continue to accept applications for at least 30 additional days. Each application that is



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accepted will be given a number. The first application will be given the number 1, the second given the number 2, and so on. At the end of the application period, the Administrator will place one slip of paper for each application into a box. The slip of paper will contain the application number. For example, if 30 applications were received, the Administrator would place 30 slips of paper into the box, numbered 1 through 30. The Administrator will then shake the box to mix up the slips of paper, and, without looking, will blindly draw one slip of paper at a time until they have pulled out all slips of paper and recorded the order of selection. This is now the order in which households will be served. If all applications received during the application period can be served and additional funding is still available, applications will be accepted and served on a first-come-first-served basis.”

If the Administrator is participating in the HOME program, they much include information about how they will handle program requirements for serving households at or below 30% of AMFI. The following addendum to the waitlist policy above is sufficient for this purpose:

“If after 4 applications are selected none of those applications are from a household at or below 30% of the Area Median Family Income (AMFI), then the Administrator will select the next household that is at or below 30% AMFI and then continue as before. This process is repeated any time 4 households above 30% AMFI are selected in a row.”

Neutral Random Selection

Neutral random selection means choosing something (in this case, an application) in a way that each applicant has an equal chance of being selected. The simplest example is to draw numbers out of a hat. If 20 applications are received, but there are only enough resources to serve 10 applicants, then assign a number to each application and place all of those numbers into a box or hat. Blindly draw 10 numbers from the hat or box. The ten numbers selected are the ten applications that will be evaluated to be served. In this case, as long as the person picking the numbers from the hat can’t see the numbers, each number has a 50% chance of being picked. Sometimes this method is too tedious and doesn’t leave much of a record or paper trail. Microsoft Excel has a function called RAND() that will help. For each applicant, use the RAND() function to generate a random number:

	A	B
1	Applicant	Random Number
2	Billy	=RAND()
3	Bob	
4	Thornton	
5	Angelina	
6	Julie	
7	Tom	
8	Hank	
9	Jennifer	
10	Lawrence	
11	Fishburne	

Excel will generate random numbers between 0 and 1. Copy these numbers and use the “Paste Special” command to paste “Values.” This is important because Excel will continue to create new random numbers every time changes are made in the spreadsheet, so have a process for preserving the original numbers.



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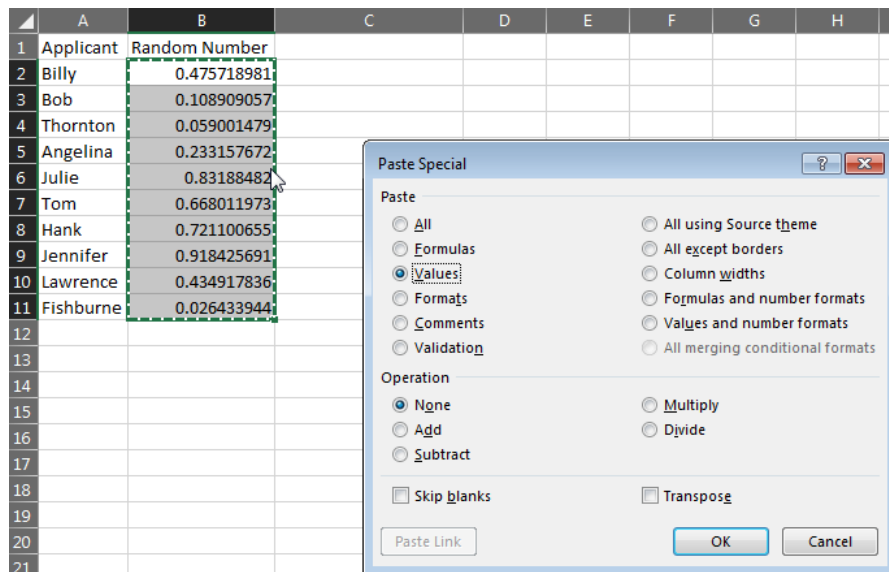
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Once all are pasted, then sort from highest to lowest or lowest to highest. Then take the first 10 applications (or however many the Applicant plans to choose). In this example, the first five highlighted, would be the 5 applications selected.

	A	B
1	Applicant	Random Number
2	Jennifer	0.918425691
3	Julie	0.83188482
4	Hank	0.721100655
5	Tom	0.668011973
6	Billy	0.475718981
7	Lawrence	0.434917836
8	Angelina	0.233157672
9	Bob	0.108909057
10	Thornton	0.059001479
11	Fishburne	0.026433944

There are many other ways to achieve a neutral random selection process, but these two examples are some of the easiest.

Approved Preferences

For federal funds, TDHCA's HUD planning documents such as the 5 Year Consolidated Plan (Con Plan) and the One Year Action Plan (OYAP) describe potentially allowable preferences or limitation. Preferences for non-federal funds must be requested by an Administrator, but they do not have to be listed in the Con Plan or the OYAP. If a preference or limitation is requested, TDHCA's Fair Housing Staff will review the request to make sure that the requested target population meets all Program requirements. When requesting a preference or limitation, all Administrators must include a reason and justification for the request. Administrators of federal funds must also include how this preference will impact the waitlist policy and neutral random selection process. If TDHCA staff determines the preference or limitation is allowable, then target population will allowed to be used during the Contract Term for nonfederal funds, and for federal funds, until a new or updated Affirmative



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Marketing Plan is required.

Data Collection and Analysis

Think of the marketing plan as something additional to normal advertising and marketing to try to reach groups of people that might not otherwise be reached. The least likely to apply populations from the Plan represent those groups that are not being reached by usual marketing efforts. The data collected on applicants is meant to determine whether the Affirmative Marketing outreach efforts are reaching those least likely to apply populations. As an example, if one of the least likely to apply populations is households with children, the data collected must state whether applicants to the program have children in the household. Because persons with a disability is always considered a least likely to apply population, all Affirmative Marketing Plans should include voluntary (unless required by Program selection criteria) data collection on whether an applicant or a member of the applicant's household has a disability. The Administrator must include details about how it will use that data to determine whether or not the outreach methods are reaching least likely to apply populations.

Fair Housing Training

TDHCA maintains a list of training providers whose courses and trainings are vetted and certified by the Department's Fair Housing, Data Management, and Reporting team to make sure that they include the required materials. These trainers typically charge for their services. Additionally, these trainers may be geared more toward multifamily programs rather than single family programs. TDHCA and the Texas Workforce Commission's Civil Rights Division (TWC-CRD) host informational fair housing webinars every April. These webinars are recorded and are available to view at any time for free on TDHCA's website, and include basic information on fair housing rights and responsibilities, as well as topics related to current issues in fair housing and reasonable accommodations and modifications. There are also state and regional non-profit groups and advocacy groups to contact who may be able to offer additional sources for training.

The list of certified trainers can be found here:

<http://www.tdhca.state.tx.us/fair-housing/training.htm>

The TDHCA and TWC-CRD webinars can be found here:

<http://www.tdhca.state.tx.us/fair-housing/presentations.htm>



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