



# Office of Multifamily Housing Programs

## **Implementation Sheet for HUD's Title VI Guidance**

### **Regarding Marketing and Application Processing at Subsidized Multifamily Properties**

When racial, ethnic, or national origin groups are underrepresented at a property compared to their representation among qualified housing-seekers in the market area, housing providers must evaluate how their marketing, application processing, and waitlist management processes contribute to this disparity and consider less-discriminatory alternatives.

#### Marketing

The following marketing practices risk perpetuating segregation or otherwise discriminating in violation of Title VI:

- Reliance on no advertising or word-of-mouth advertising, without additional efforts;
- Reliance on “For Rent” signs posted at the property, without additional efforts;
- Reliance on referrals from one or a very limited number of local organizations.

To ensure compliance with Title VI, properties should consider:

- Advertising at least 60 days in advance of *any* waitlist opening, or periodically if the waitlist is kept open for long periods of time (for example, at least annually);
- Distributing detailed flyers and blank applications to several local organizations across the housing market area with ties to a wide range of prospective applicants;
  - Examples of such organizations include foodbanks, legal-aid offices, health clinics or medical facilities, employers, grocery stores and other businesses, local governmental offices, housing authorities, and community gathering places, such as senior centers, recreation centers, libraries, schools, and places of worship;
  - As this outreach may be done digitally at low cost, contacting a large number of organizations located throughout the housing market area and expanded housing market area can be a cost-effective method of significantly expanding outreach.
- Maintaining a web and/or mobile site with clear information about availability, eligibility, selection criteria, and application processes— web and or mobile sites may be particularly important for larger properties with more frequent vacancies, such as those with more than 20 units.
- Posting on social media, local listservs, and other web and mobile sites relevant to housing-seekers in the market area, including those most accessed by those least likely to apply;

- Placing advertisements with local radio stations, newspapers, and newsletters, as well as posting advertisements in public places, such as buses, trains, and billboards;
- Including clear, and consistent information about unit sizes, amenities, approximate rents, subsidies or federal programs, the process for applying, eligibility requirements, and any admission preferences;
- Advertising in languages spoken by eligible residents in the housing market area who are limited English proficient;
- Affirmatively stating in common languages that language services are available to applicants and tenants;
- Distributing copies of applications and relevant application materials in languages commonly spoken by eligible residents in the housing market area who are limited English proficient.
  - Note that translated leases and other legal documents may carry the following disclaimer: *"This document is a translation of a HUD-issued legal document. HUD provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document."*

#### Application Distribution and Acceptance Procedures

The following application procedures and practices should be avoided because they risk perpetuating segregation or otherwise discriminating in violation of Title VI:

- Requiring applications or preapplications to be picked up and/or submitted in-person, or other highly limited processes;
- Distributing and/or accepting applications or preapplications only during a narrow window of time – such as one day or a few hours over several days.

To ensure compliance with Title VI, properties should consider the following practices and should edit or update TSPs as necessary

- Distributing and accepting applications or preapplications for a reasonable period of time (for example, two weeks or more);
- Distributing applications or preapplications through a variety of means, including;
  - Making applications or preapplications available as a fillable form on a property's website, including the mobile version of the property's website;
  - Allowing for blank applications or preapplications to be printed from a property's website
  - Distributing blank applications or preapplications to the above listed community contacts throughout the market area for applicants to collect, fill out, and return at their convenience.

- Since applications may be updated over time, Property’s may wish to include a disclaimer that applicants should ensure they have the most recent version.
  - Ensuring that blank applications or preapplications may be picked-up outside of regular business hours, including evenings and weekends. This may include for example, employing unmanned drop boxes.
    - Drop boxes must be secured to ensure confidentiality of personally identifiable information if located outside a secure building
- Accepting applications or preapplications through a variety of methods, including in-person, mail, web-based forms, and email;
- Ensuring that applications may be submitted outside of regular business hours, including evenings and weekends. This may include for example, employing unattended drop boxes;
  - Drop boxes must be secured to ensure confidentiality of personally identifiable information if located outside a secure building
  - The Property must have a system for logging date and time of drop off, for example by asking applicants using the drop box to write the date and time on their application.
- Clearly explaining how applicants may pick-up and submit applications and how applicants will be selected for placement on the waitlist
- Considering a lottery as an alternative to first-come first-served policies where demand is high

#### Applicant Screening and Waitlist Management

Applicant screening and waitlist management practices also may create unnecessary barriers to housing opportunity or be inconsistently applied in practice, in a way that disproportionately excludes individuals based on their race, color, or national origin. To ensure compliance with Title VI;

- In evaluating criminal records, housing providers must not use arrest records, and should consider the nature, severity, and recency of conviction records, as well as extenuating circumstances (for example, housing providers should not eliminate applicants based on convictions that are for minor offenses, unrelated to safety concerns for residents, or more than three years old);<sup>1</sup>
- In evaluating rental history, housing providers should consider the accuracy, nature, relevance, and recency of negative information rather than having any negative information trigger an automatic denial.
  - An example of these considerations would be if an applicant was evicted for nonpayment of rent at a market rate property - which may have little bearing on

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<sup>1</sup> See [U.S. Department of Housing, Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#), April 4, 2016.

the applicant's ability to pay rent at a subsidized property and may in fact be the reason why the applicant is seeking subsidized housing.

- Note also that an applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Housing providers should also consider:

- Allowing for alternative methods of proof when possible, for applicants to establish residency or qualify for other selection preferences. Persons living in housing insecurity may reasonably not have physical addresses, reliable mail, leases, utility bills, or other documentation;
- Allowing applicants to specify a preference for how they would like to be contacted about their continued interest in the housing opportunity or other updates, including by mail, email, or phone.