

## **BIA OF SAN DIEGO COUNTY**

### **VOLUNTARY AFFIRMATIVE MARKETING PROGRAM**

#### **Required Actions of the VAMA Signatory**

WHEN SIGNING THE VOLUNTARY AFFIRMATIVE MARKETING AGREEMENT (VAMA), THE BUILDER COMMITS TO THE FOLLOWING:

- (1) To include an official Fair Housing and Equal Opportunity logo at least 1/2" X 1/2" on all brochures, pamphlets, posters, billboards, and classified advertising of four column inches or larger. Advertising less than four column inches should use the Equal Opportunity slogan.
- (2) To represent both majority and minority groups as models whenever models are used in display advertising, brochures, pamphlets, etc.
- (3) To display and maintain the HUD Fair Housing Poster in all places of business where a dwelling is offered for sale or rent, including model homes.
- (4) To assure that affirmative marketing activity is directed toward all segments of the population, and that efforts are directed toward those groups that are not likely to seek the marketed housing without special outreach: e.g., to racial minority groups for housing in predominantly non-minority areas.
- (5) To maintain a record of advertising and outreach actions taken that will demonstrate efforts to increase sales or rentals to members of minority groups.
- (6) To maintain a non-discriminatory policy in the recruitment and employment of staff engaged in the sale and rental of properties.
- (7) To designate an Equal Opportunity Officer charged with administering the activities required of the Signatory by VAMA.
- (8) To report to the BIA concerning affirmative marketing efforts and results.

*\*\* Please note that non-BIA members must request an additional form to sign on as an additional signatory for the BIA/NAHB-HUD Affirmative Marketing Program. BIA non-member signatories need to sign on to the Affirmative Marketing Program annually. Please call BIA if you have any questions (858) 450-1221.*

Revised:10/09

**BIA OF SAN DIEGO COUNTY**

# NAHB-HUD AFFIRMATIVE MARKETING PROGRAM

## Builder Certification

The undersigned, a builder or developer marketing housing in San Diego County, has received and read a copy of the executed Affirmative Marketing Agreement between the Building Industry Association of San Diego County and the U.S. Department of Housing and Urban Development, effective May 1, 1995.

The undersigned expressly ratifies and agrees to be bound by the terms and conditions of said agreement as if he had executed the original agreement.

The undersigned also understands and agrees to pay the Building Industry Association of San Diego County:

	<u>Check One</u>	<u>Sale</u>	<u>Rental</u>
<b>BIA/SD Members</b>	<input type="checkbox"/>	\$8.00 per unit	\$4.00 per unit
<b>Non-Members</b>	<input type="checkbox"/>	\$100.00 per unit	\$100.00 per unit

Signatories are responsible for payment for the total number of units for sale and/or rent. All "per unit" fees are due and payable upon receipt of the Certification Form and the Affirmative Marketing Program checklist.

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

The following individual has been named Equal Opportunity Officer for our company:

NAME & TITLE: \_\_\_\_\_

ADDRESS (if different than above): \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

We intend to begin selling/renting units/lots: \_\_\_\_\_,

located at: \_\_\_\_\_  
*Project Name*  
*Project Street Address* *City* *State* *Zip*

Which includes **Lot Numbers and Tentative Map #**: \_\_\_\_\_

APPROXIMATE NUMBER OF UNIT SALES: \_\_\_\_\_ RENTALS: \_\_\_\_\_

**Return this completed form with your check to: BIA/SD (HUD/AMP), 9201 Spectrum Center Blvd. #110, San Diego, CA 92123. Phone: (858) 450-1221. Fax: (858) 552-1445.**

(Revised: 10/09)



Building Industry Association of San Diego County  
**Affirmative Marketing Program**

DATE	YOUR NAME & POSITION	PHONE
PROJECT NAME	GENERAL LOCATION	BUILDER

- Yes  No      1. Is Fair Housing logo/statement displayed at least 1/2" x 1/2" and included in sales and all collateral materials (brochures, posters, billboards, pamphlets, etc.)?
- Yes  No      2. Is Fair Housing logo/statement included in project advertising?
- Yes  No      3. Is Fair Housing Poster prominently displayed in the sales office?
- Yes  No      4. Are there persons of color or with disability on sales staff?
- Yes  No  N.A.      5. Are any racial or other minority group models used in project advertising? If N.A., explain.  
\_\_\_\_\_  
\_\_\_\_\_
- Yes  No      6. Has project conducted any special sales outreach to traditionally underserved persons? If yes, list.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Yes  No      7. Has staff received education or training on Fair Housing? If yes ,when and from whom?  
\_\_\_\_\_  
\_\_\_\_\_
- 8. Who is responsible for answering Fair Housing questions/training posed by sales staff?  
\_\_\_\_\_
- 9. Please include sample copies of ads and list of publications placed and samples of promotional brochures, or other information that would be helpful in assessing efforts to reach minority groups with housing information.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INDIVIDUAL BUILDER MEMBERS  
AND  
BUILDER MEMBER FIRMS RESPONSIBILITIES**

**I. Administration**

- A. Each Signatory shall designate an Equal Opportunity Officer charged with ensuring that the Agreement provisions for which the Signatory is responsible under the Program are implemented, including employee education and training necessary to carry out the activities.
- B. Each Signatory agrees to conduct business in accordance with the requirements of the Fair Housing Act and to instruct employees on Fair Housing requirements.
- C. Each Signatory shall adopt the Fair Housing practices developed by NAHB on marketing, advertising and hiring.
- D. Each Signatory shall require all employees to conduct business without discrimination based on race, color, religion, national origin, sex, familial status, or handicap.
- E. Each Signatory agrees to implement:
  - 1. An Office Operating policy to ensure non-discrimination in the provision of professional services based on race, color, religion, sex, familial status, handicap, or national origin.
  - 2. Marketing and advertising policies to implement the goals and purposes of this Agreement. Such marketing and advertising policies shall be designed to attract buyers and renters without regard to race, color, religion, sex, handicap, familial status or national origin and should be consistent with the recommended practices developed by NAHB.
  - 3. A Non-Discriminatory Hiring policy in the recruitment and employment of staff engaged in the sale or rental of properties.
- F. Each Signatory agrees that performance objectives as specified in numbers 1 and 2 below will be a standard part of its responsibilities.
  - 3. Train employees regarding the provisions in the VAMA and fair housing laws.
  - 4. Advertise to traditionally underserved persons, which is intended to yield an increase in the number of these persons seeking housing in areas where they would not have previously sought housing.

## II. Implementation of VAMA

### A. Fair Housing Training and Education

Being informed regarding responsibilities under the Fair Housing Laws and this Agreement.

1. Each Signatory shall explain and publicize the purposes and provisions of this agreement to all employees.
2. Each Signatory shall provide, either directly or through Builders Association sponsored programs, ongoing training and education to inform all employees of their responsibilities under this Agreement and under the Fair Housing Laws, and urge employers to attend and participate in Builders Association training programs.
3. Each Signatory shall obtain and make available to all employees NAHB'S recommended recordkeeping procedures.

### B. Public Commitment to Fair Housing

Making a public commitment to providing equal professional service and informing the public that services are provided by the firm without discrimination based on race, color, religion, sex, familial status, handicap, or national origin.

1. Each Signatory shall display and maintain the HUD Fair Housing Poster in any place of business where a dwelling is offered for sale or rent, including model homes.
2. Each Signatory shall assure that its affirmative marketing activity is directed toward all segments of the population, and that reasonable efforts are directed toward those groups which are not likely to seek housing marketed by the Signatory without special outreach. One method of affirmative marketing may be advertising in the minority media to attract minority groups for housing in predominantly non-minority areas, and advertising in the general media to attract non minority groups for housing in integrated areas.
3. Whenever a Signatory's display advertising campaign depicts human models, the Signatory shall reasonably represent both minority and non-minority groups as models to indicate receptivity to inclusiveness in the housing advertised.

### C. Advertising

Implementing advertising policies for the sale or rental of housing that indicate to the general public that the advertised housing is open to all persons and is designed to attract buyers and renters without regard to race, color, religion, sex, familial status, handicap, or national origin. Such advertising shall include an official Equal Housing Opportunity slogan or logotype as follows:

1. In all display advertising, the Equal Housing Opportunity logotype, when used, shall be at least ½” by ½” in size;
2. In each “classified” advertisement of six (6) column inches or larger in size, except where HUD “Publisher’s Notice” appears on the lead page of the classified advertising section of the newspaper or magazine;
3. In a prominent place on all brochures, circulars, billboards, and direct mail advertising; and
4. In a prominent place on temporary signs and all other forms of advertising not specifically referred to in items 1 – 3 above, where its inclusion does not significantly increase the cost of advertising.

### D. Non-Discriminatory Hiring Policy

Each Signatory agrees to maintain a non-discriminatory hiring policy for all staff. If a Signatory advertised for employees in a newspaper, the Signatory shall make sure that the advertisement contains the “Equal Employment Opportunity” slogan or its printed in a newspaper which prints the “Equal Employment Opportunity” slogan for all advertisers.

Each Signatory is encouraged to build a qualified staff that reflects the diversity of the community, when recruiting from outside the company to fill positions.

Non-Discriminatory Equal Opportunity will serve as the guiding principle in the recruitment for and promotion in all positions including management. Similarly, these principles will apply to the use of independent fee contractors.

### E. Community Involvement

Each Signatory shall encourage all employees to participate in Builders Association equal opportunity activities

1. Each Signatory is encouraged to participate in Builders Association activities designed to develop a partnership with the community in efforts to identify and remove barriers to equal opportunity in housing in the community.
2. Each Signatory shall make a reasonable effort to inform community groups of the location and price range of the housing to be put on the market, including when it is to be made available and who to call for further information.

F. Recordkeeping

1. Each Signatory shall maintain a record of actions taken toward implementation of this VAMA. Such records shall include:
  - a. efforts taken to provide training to employees; and
  - b. advertising and outreach actions taken to reach more members of minority groups; and housing options for both minority and non-minority groups.
2. Each Signatory shall maintain the following information and report such information to the Builders Association on a regular basis, but at least annually:
  - a. Sample copies of ads used to publicize units;
  - b. List of publications where ads were placed;
  - c. Sample copies of promotional brochures used at sales offices;
  - d. Description of outreach efforts to inform minority groups about housing, along with an assessment of their effectiveness.

**III.** Annual Evaluation

- A. A Builder Member who is unable to be a Signatory to this Agreement through its Builders Association shall, on an annual basis, review its efforts to implement the provisions of this Agreement. Such review shall be summarized on a report made to HUD.
- B. In evaluating the Signatory's compliance with this Agreement, the overall effort to implement Program provisions to further the goals and purposes of this Agreement will be considered.

#### IV. Suspension

- A. Whenever HUD has reasonable cause to believe that a Signatory has failed to make good faith efforts to comply with his or her responsibilities under this agreement, representatives of the local HUD Office of Fair Housing and Equal Opportunity (FHEO) shall meet with the Signatory to discuss the circumstances. If the HUD representatives determine that corrective action by the Signatory is needed to achieve compliance, a meeting shall be held with the Signatory to discuss area(s) of non-compliance and possible remedial actions. The HUD representatives shall determine appropriate corrective action including a timetable for taking such action.
- B. If the Signatory does not agree to implement the proposed corrective action, or fails to take such action within the time specified, the Director of the local HUD office of Fair Housing and Equal Opportunity shall make a preliminary determination as to whether the Signatory should be suspended as a party to this agreement. Written notice of such determination shall be given to the Signatory. The Signatory may submit written arguments and/or other materials in support of his or her position to the FHEO Director. The FHEO Director shall make a recommendation to the Assistant Secretary, who shall make a final decision on the suspension of the Signatory. The Signatory shall be notified in writing of the action of the Assistant Secretary.
- C. Any Signatory suspended from this agreement shall have 60 days from the effective date of the suspension to present to HUD an individual Affirmative Fair Housing Marketing Plan in full conformity with applicable regulations. A Signatory who submits an AFHMP to HUD within the 60 day period shall be deemed to comply with affirmative fair housing marketing requirements unless otherwise notified by HUD. The suspension of a Signatory as a party to this agreement shall remain in effect until the Assistant Secretary has for good cause determined that the Signatory should be reinstated.

#### V. Acceptance of Signatory Status of Builder Member in Lieu of Individual Affirmative Fair Housing Marketing Plan

A builder who is unable to be a Signatory to a Builders Association VAMA may participate in the VAMA program as an individual Signatory to this Agreement with his/her HUD office. Such builders shall file annual reports directly with the appropriate HUD office.

A builder member may not be an individual Signatory to this Agreement with a local HUD Office if the builder is a member of a Builders Association that is a Signatory to the Agreement.

During the effectiveness of this Agreement, any Signatory who hereafter applies for participation in any HUD/FHA program and would otherwise be subject to the requirement of the HUD Affirmative Fair Housing Marketing Regulations may, in lieu of submitting an individual Affirmative Fair Housing Marketing Plan (AFHMP), reference his status as a Signatory under this Agreement.

**VI.** Effective Date and Duration

Part III of this Agreement shall become effective upon the date on which the Builder Member becomes a Signatory, and shall remain in effect until:

- A. A Signatory advises HUD and the Builders Association in writing that she/he no longer wishes to be a Signatory; or
- B. The Signatory is suspended from the Agreement by HUD, as provided for in Part III, Paragraph IV of this Agreement.

In such instances as identified above, the Signatory shall be subject to the requirements of the HUD Affirmative Fair Housing Marketing Regulations, and shall be required to submit an individual Affirmative Fair Housing Marketing Plan (AFHMP) in connection with any participation. In addition, the Signatory shall have 60 days from the date of suspension to submit to HUD an individual AFHMP.

**VII.** Signatories

Builder members who elect to become a Signatory to the VAMA agree to complete the attached VAMA Signatory Page and submit it to the local HUD Office of Fair Housing and Equal Opportunity.

VOLUNTARY AFFIRMATIVE MARKETING AGREEMENT

The parties to this agreement pledge to direct their efforts towards accomplishing the purposes of the VOLUNTARY AFFIRMATIVE MARKETING AGREEMENT by and between the U.S. Dept. of Housing and Urban Development and the Builder Group known as the \_\_\_\_\_ Association.

By Appending their signature(s) to this document, the following hereby becomes a signator to the above Agreement as of the date indicated, and shall be included in the Builder's Association list of signatories to the VAMA entered into by the association and HUD.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Equal Opportunity Officer: \_\_\_\_\_

I certify that \_\_\_\_\_ is a signatory to the Voluntary Affirmative Marketing Agreement between HUD and the Builders Association of

\_\_\_\_\_.

\_\_\_\_\_  
Equal Opportunity Officer for  
Builders Association

\_\_\_\_\_  
Date