

MODEL APARTMENT ASSOCIATION PLAN

1. STATEMENT OF AUTHORITY AND PURPOSE

- a. Title VIII of the Civil Rights Act of 1968 (hereafter the "Act") declares: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States."
- b. Section 808 of the Act vests authority and responsibility for its administration in the Secretary of Housing and Urban Development. The Secretary has delegated the authority to administer the Act, and Executive Order 11063 on Equal Opportunity in Housing, to the Assistant Secretary for Fair Housing and Equal Opportunity.
- c. Voluntary compliance activities are mandated by Sections 808 and 809 of the Act. Section 808 requires the Secretary to "cooperate with and under technical assistance to Federal, State, local other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices"; while, under Section 809, "He shall call conferences of persons in the housing industry and other interested parties ... and shall endeavor with their advice to work out programs of voluntary compliance and enforcement." The object in his so doing is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of housing choices regardless of their race, color, religion, sex or national origin.
- d. The Apartment Association/Council member owner/managers who subscribe to this Plan believe that an affirmative program going beyond the minimum requirements of the Act is essential to achieve its broad objectives. They, therefore, commit themselves, together with the Department of Housing and Urban Development, to carry out this Voluntary Affirmative Fair Housing Marketing Program.

2. PARTIES

- a. The _____ (local Apartment Association/Council) and those of its individual members whose names and signatures appear in Part X of this Plan.
- b. The U.S. Department of Housing and Urban Development through the authorized signatures appearing in Part IX of this Plan.
- c. A non-signatory firm may become a signatory at any time during the life of this Plan, provided that it first advises the HUD Area Office Manager in writing of its intention to become a signatory and provided that HUD approves and accepts the offer. The new signatory shall sign both the Apartment Association/Council and HUD's copies of this Plan.

3. DEFINITIONS

- a. Affirmative marketing is defined as a program to attract buyers or tenants of all groups to the housing for sale or rental, and to inform those population groups in the community least likely to apply for housing located in non-traditional areas of occupancy of the availability of housing and services offered by developers, owners, and managers to all prospective home buyers or renters.
- b. Apartment Association/Council is defined as that body which includes as members residential apartment developers, owners, and managers doing business in the designated geographical area.
- c. Fair Housing Laws include both the 1866 Civil Rights Act, interpreted by the United States Supreme Court in Jones v. Mayer to prohibit discrimination in the acquisition or disposition of all real property, and the 1968 Fair Housing Act as amended by the Housing Community Development Act of 1974. Affirmative Fair Housing Marketing Regulations have been issued to assure that HUD-assisted housing will be affirmatively marketed, and to provide for the voluntary affirmative marketing of all housing.

11/79

2

8021.1

APPENDIX J

4. SCOPE. The provisions of this Plan apply to all residential housing constructed, marketed, sold or rented by each developer owner or manager signatory, and its agent(s) in the area(s) designated.

5. APARTMENT ASSOCIATION/COUNCIL ACTIVITIES. The Apartment Association Council signatories to this Agreement agree to adopt and undertake the following affirmative steps designed to implement its purposes:
- a. Develop a code of fair housing practices relevant to apartment house rental standards and procedures, and require affiliates to endorse the code as a condition of continued membership in the Association/Council.
 - b. Establish an Equal Opportunity Committee to:
 - (1) supervise, monitor and administer the program encompassed by the Agreement;
 - (2) develop informational programs for employees to assure compliance with Title VIII of the Civil Rights Act of 1968 and all other relevant fair housing laws; and
 - (3) meet quarterly with HUD and a Community Housing Resource Board (CHRB) to assess program progress.
 - c. Display the HUD Equal Housing Opportunity slogan and logo in newspaper ads in compliance with HUD's Advertising Guidelines.
 - d. Develop a fair housing advertising campaign.
 - e. Develop a standard rental application form to recommend for adoption by member firms. Said form should contain eligibility requisites for renting an apartment, and make provisions for an applicant's name, address, telephone number, color and sex, and indicate the reason for any applicant's rejection.
 - f. Develop a monitoring system, in order to receive information from the signatories concerning their programmatic efforts and achievements.

8021.1

APPENDIX J

6. INDIVIDUAL SIGNATORY RESPONSIBILITIES OF APARTMENT ASSOCIATION/COUNCIL MEMBERS.

In order to carry out effectively the purposes of this Plan, each member of the Apartment/Association/Council, acting individually, agrees to:

- a. Subscribe to the Code adopted by the Apartment Association/

Council;

- b. Comply with HUD's Advertising Guidelines;
- c. Include the "Equal Housing Opportunity" logo on highway billboards and 30-day posters so as to be clearly visible to passing traffic.
- d. Use the "Equal Housing Opportunity" slogan for radio ads, and the slogan and logo for TV ads;
- e. Imprint the Equal Opportunity slogan on all site signs;
- f. Provide office display of the fair housing poster;
- g. Imprint the EO slogan and logo on all brochures;
- h. Adopt policies and procedures to prevent steering of applicants and blockbusting;
- i. Maintain a nondiscriminatory policy in company practices, and affirmatively seek to employ minorities and women for property management positions;
- j. Adopt the standard rental application form developed by the Apartment Council. All applicants will be requested to fill out the form, to be time and date stamped, irrespective of immediate vacancy. All forms will be retained by the rental office for not less than one year and be made available to HUD upon request. Eligibility requisites for renting an apartment will be in writing and will be provided to all rental applicants. Rental staff will be issued written and verbal instructions that the eligibility criteria are to be applied uniformly to all applicants.
- k. Conduct informational programs for employees in the requirements of all relevant fair housing laws;

11/79

4

8021.1

APPENDIX J

- l. Provide minority and women owned businesses an opportunity to bid on such services as printing, office supplies, and advertising needed in conjunction with normal business operations.
- m. Designate an Equal Opportunity Officer to represent management in supervising the development and implementation of the aforementioned tasks, and to participate on the Council's Equal Opportunity Committee in a semiannual review

of the Plan with HUD and a Community Housing Resources Board.

7. HUD RESPONSIBILITIES

- a. HUD, in cooperation with state or local human rights agencies, shall establish a Community Housing Resource Board (CHRB) in each market area composed of representatives from all groups in the community whose participation would serve to implement the goals of the Plan. The Equal Opportunity Committee of the Apartment Council will meet with the CHRB at least quarterly to inform it of efforts by the Apartment Association/Council to implement the Plan, and to secure CHRB assistance in accomplishing the goals of the Plan. The CHRB may be called upon to provide housing counselling assistance when necessary, and will maintain a current list of community organizations and persons concerned with open housing to be used as referral sources in each market area.
- b. HUD shall offer its technical assistance to the Association/Council and the signatories on a continuing basis to aid in effectuating the Plan including:
 - (1) the development of an advertising campaign in accordance with the Advertising Guidelines for Fair Housing; and
 - (2) providing the Council with sources of employee recruitment and minority and women owned business identification.

8021.1

APPENDIX J

8. TERMINATION

The Apartment Council, or any individual signatory to this voluntary affirmative marketing Plan, may unilaterally terminate its participation in the program by providing due notice to the other parties. Should HUD believe, at any time during the term of this Plan, that there are serious problems in connection with its implementation, the Assistant Secretary for Fair Housing and Equal Opportunity, or his designee, may modify the Plan in whole or in part with the consent of the Association/Council, or terminate the Plan.

9. DURATION

- a. The Plan shall be effective when approved by the Assistant

at _____; by the Regional Administrator,
_____; on _____, 19____,
at _____; and by the Assistant Secretary for
Equal Opportunity, _____, on _____, 19____,
at _____.