

CDA eNews 24-2

August 5, 2024

To: Developers, Sponsors and Local Housing Contacts

From: Gregory Hare, Director, Community Development Administration

Re: CDA Memo – Affirmative Fair Housing Marketing Plans and Tenant Selection Policies - Effective 8/5/24

The Department is committed to ensuring fair and open access to affordable housing and compliance with state and federal civil rights obligations. Fair Housing requirements apply to the full spectrum of housing activities, including, but not limited to, outreach and marketing, qualification and selection of residents, and occupancy. This memo will continue DHCD's long-standing commitment to affirmatively furthering fair housing and ensure that the tenant selection policies for projects receiving Department funding do not unjustifiably exclude people from housing opportunities in discriminatory ways.

On April 29, 2024, the Department of Housing and Urban Development (HUD) released "Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing" discussing how housing providers and companies that offer tenant screening services can screen applicants for rental housing in a non-discriminatory way. To that end, the Department has modified our requirements for Affirmative Fair Housing Marketing Plans and Tenant Selection Plans to comply with the HUD Guidance.

Owner and/or managers of properties that have received LIHTC awards, program funds, or other subsidies from the Department are now required to submit a copy of their tenant selection plan or policy by January 1, 2025, to evidence compliance with the policies listed below. DHCD will review the tenant selection plan or policy to ensure it is in conformance with DHCD requirements and will reject any plan that isn't in conformance. Additionally, projects must review and update their tenant selection plans at least every five (5) years or more frequently if required by DHCD. Failure to comply with an approved tenant selection plan will be subject to compliance action by DHCD.

For full details, please view [CDA Memo – Affirmative Fair Housing Marketing Plans and Tenant Selection Policy](#) on our website.

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