The fair housing Act prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing.

Compliance can be complicated and penalties severe – a civil penalty of $10,000 for the first violation and $50,000 for a third violation in 7 years; this does not include actual damages and attorney’s fees and costs!

BIA Bay Area offers a streamlined compliance process!

In order to show compliance, BIA Bay Area members can sign a Voluntary Affirmative Marketing Agreement (VAMA).

This packet contains: 1) Description of a Voluntary Affirmative Marketing Agreement (VAMA) 2) list of required actions as a VAMA signatory 3) certification applications 4) VAMA frequently asked questions.
WHAT VAMA MEANS TO YOU

Builders who formerly relied on their realtors to satisfy HUD’s fair housing requirements must provide their own Affirmative Fair Housing Marketing Plan if they apply for participation in any HUD/FHA-assisted or insurance program. Fortunately, there is no longer a need for our members to worry about their own plan with HUD, filing documents, or conducting training seminars, because BIA Bay Area is a signatory to this national program and any of our members may sign our agreement to participate. **BIA Bay Area will take care of the rest!**

**The advantage of VAMA to builders:**

1. Avoids the necessity of builders, doing business with HUD, filing detailed affirmative marketing plans for each HUD project application.
2. Enables builders to secure waivers from the Veterans Administration and the Farmers Home Administration with respect to their equal opportunity requirements.
3. Taps the minority and female market for housing more efficiently that individual plans, since group advertising is periodically employed to assure housing availability to potential minority and female home seekers.
4. Achieve economies of scale over individual action, since industry-group staff assists individual firms in fulfilling their commitments under the voluntary agreement or plan.
5. Provides credit for leadership in dealing with a critical social problem, and puts signatory firms on record in support of fair housing and equal opportunity.
6. Promotes understanding and good will among the minority community, women’s groups and industry groups.
7. Makes it more difficult for discriminatory firms to undercut legitimate business competition.
8. Reduces the likelihood of discrimination by agents of signatory firms.

**Definition of an Agreement:**

Voluntary affirmative marketing agreements are quasi-contractual instruments negotiated between HUD Headquarters and any local association. Each agreement is designed to carry out a broad equal opportunity program, including outreach advertising, affirmative employment, safeguards against racial steering, etc. – all designed to ensure that housing will be marketed on an equal opportunity basis.

The national association party to an agreement the commends its adoption by member affiliates on a State and local level, and HUD’s relationship shifts to the Area Office for purposes of technical assistance, monitoring and organizing a citizen participation component. **When approved and signed by a Regional Administrator, an agreement permits signatory applications [builders] for HUD housing assistance to reference that document as meeting HUD fair housing/equal opportunity requirements.**
BUILDING INDUSTRY ASSOCIATION OF THE BAY AREA
VOLUNTARY AFFIRMATIVE MARKETING PROGRAM

Required Actions of the VAMA Signatory

1) To include an official Fair Housing and Equal Opportunity logo at least ½” x ½” on all brochures, pamphlets, posters, billboards and classified advertising of four column inches or larger. Logos in various sizes are available for download at the following link: http://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/fheologo Advertising less than four columns should use the Equal Opportunity Slogan.

2) To represent both majority and minority groups as models whenever 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 for 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 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 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 of VAMA.

8) To report annually to BIA Bay Area concerning affirmative marketing efforts and results. BIA Bay Area will provide the required reporting form to you.
VOLUNTARY AFFIRMATIVE MARKETING AGREEMENT

I, the undersigned member of the

BUILDING INDUSTRY ASSOCIATION
OF THE BAY AREA
WALNUT CREEK, CALIFORNIA

Hereby elect to become a signatory to the
Voluntary Affirmative Marketing Agreement (VAMA)

And agree to make good faith efforts to implement the fair housing provisions outlined therein. I agree, also, that as a signatory to the VAMA, my status as signatory will be made known to the United States Department of Housing and Urban Development (HUD) in lieu of submitting an individual Affirmative Fair Housing Marketing Plan (AFHMP). I have become a signatory to the VAMA on behalf of my firm.

_________________________  _______________________
Firm Name                   Representative

_________________________
Date

Return to BIA Bay Area by fax (925) 951-6847 or email to zotting@biabayarea.org
You may also mail to: 101 Ygnacio Valley Rd Suite 210 Walnut Creek, CA 94596
VOLUNTARY AFFIRMATIVE MARKETING AGREEMENT CERTIFICATION

Name of Project/Subdivision ____________________________________________

Project/Subdivision File Number ________________________________________

Project/Subdivision Location ____________________________________________

Estimated Date of Construction Start ______________________________________

Estimated Date of Construction Completion ________________________________

Estimated Date of Occupancy to Commence ________________________________

Name of Sponsor/Developer _____________________________________________

Address __________________________________________________________

__________________________________________________________

Area Code/Telephone ___________________________________________________

Equal Opportunity Contact Name ________________________________________

Price/Rental Range $________________ to $__________________

Contract Amount (for Multifamily Projects only) $__________________________

I certify that ____________________________________________________________ is signatory to the Voluntary Affirmative Marketing Agreement between HUD/FHA and the Building Industry Association of the Bay Area.

____________________________________
Signature of BIABA Representative

____________________________________
Title of BIABA Representative

____________________________________
Date
Frequently Asked Questions

What is VAMA?

VAMA stands for Voluntary Affirmative Marketing Agreement. It was signed by the U.S. Department of Housing and Urban Development (HUD) and the National Association of Home Builders (NAHB) on January 28, 1995. The VAMA program is administered by the Building Industry Association of the Bay Area.

What is required to enroll in the VAMA program?

A builder must complete and sign an agreement form (page 4) to enroll and then file a Notification of Intent to Market 60 days prior to the beginning of sales (certain grace periods may apply to projects already being marketed).

What are my obligations as a builder under VAMA?

The Affirmative Marketing requirements contained in VAMA are essentially the same as you would have to demonstrate if you filed a separate plan for each project. Participating builders must include the Fair Housing logo in all brochures and advertisements, for example. Builders are also bound by the guidelines governing the use of human models in advertising. You should read a complete copy of the agreement (page 3) before signing the agreement form on page 4.

What does VAMA do for builders?

Builders who are signatory to VAMA can significantly reduce the time and paperwork it takes to get FHA approval on their projects, because separate Affirmative Marketing programs do not have to be filed for each project or phase. Thus, there is no risk of having your Affirmative Marketing plan rejected by FHA for re-submission. In exchange for this expedited system, the builder agrees to apply Affirmative Marketing techniques to all projects built subsequent to the signing of the VAMA signature card.

What are the 2008 loan limits?

The economic Stimulus Act of 2008 permits FHA to insure loans on amounts up to 125 percent of the area median house price, when that amount is between the national minimum ($271,050) and the maximum ($729,750).

What assistance is available to help comply with the affirmative marketing requirements?

BIA Bay Area can put you in touch with your local Community Housing Resource Board, a community-based organization appointed by HUD to promote fair housing and equal opportunity. In addition, you may request a Fair Advertising Task Force Kit, which was produced in 1987 to help real estate advertisers recognize and avoid discriminatory advertising practices.
Frequently Asked Questions (continued)

How long before I receive the documents needed to submit to the FHA?

It takes the BIA Bay Area less than one week to process your paperwork.

How long should multi-phase projects or projects that have already have units sold be submitted to VAMA?

Your notification of Intent to Market filings must correspond to your FHA submissions. If you are submitting Phases I and II of a four phase project, then file only for those two phases. Generally projects should be submitted 60 days prior to the beginning of sales. However, recent changes in the FHA’s regulations regarding the acceptance of a Certificate of Reasonable Value (CRV)/ Master Certificate of Reasonable Value (MCRV) from the Department of Veterans Affairs have affected many builders with units already sold. In such cases, submit for all unsold units, plus any units in escrow or with deposits on them.

What geographic area is covered by VAMA?

The BIA Bay Area’s jurisdiction includes projects built in the following California counties: Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

Who can participate in VAMA?

All BIA Bay Area members that are classified as Builder Members, and comply with the definition of “Builder” in the BIA Bay Area by-laws. All Builder members must agree to pay escrow assessments on VAMA units regardless of whether the escrow day closes during membership term. BIA Bay Area does not offer this service to non-members, and other local HBA’s/BIA’s will not certify outside of their territory.

Is there a cost?

There is no charge for this service to BIA Bay Area Builder members.

Where can I get a copy of the VAMA agreement?

A VAMA enrollment package can be requested by calling BIA Bay Area at (925) 951-6840. Also, many lenders are familiar with the VAMA program and may have complete enrollment packages already on hand in their offices.

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This question and answer forum is meant to provide a general overview of VAMA only and should not be construed as a complete explanation of the program.
Frequently Asked Questions about
Fair Real Estate Advertising

Does the Law actually prohibit using only Caucasian models?

Both state and federal fair housing laws prohibit any expression of an illegal preference. Repeated use of models of one race can be perceived as “preferring” that ethnic group and can discourage representative of other groups from applying for the housing being advertised.

If an ad shows one couple, or a family group, how can they be ethnically integrated?

First, by prominently displaying the Equal Opportunity logo and slogan; this gives a clear signal that the project is integrated and that all races are welcome. Secondly, it is recommended that the couple or family group not always be of the same race. Ideally, when models are used the ad should be designed to allow for an integrated scene. The additional sales generated by appealing to a broader public should make such advertising cost-effective.

Is there a formula for determining how often non-Caucasian models should be used?

No. The advertiser should consider the ethnic make-up of the general population and vary the advertising in similar proportions.

Will use of “integrated” models be proof of non-discrimination in the event a home seeker files a complaint?

No. Advertising is but one indicator of a policy. The actual practice must be free of bias as well.

What if no models were used at all?

The advertiser has the freedom to choose where or not models are used. It is recommended, in the spirit of fair housing, that the logo be included in all advertising irrespective of the layout.

Who can be called to answer questions?

Feel free to call the U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity Division at (213) 894-8000 or visit http://www.fairhousing.com to find a Fair Housing Agency near you.