



Affirmative Fair Housing Marketing Plan Guide

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Introduction

Affirmative Fair Housing Marketing Plan (AFHMP) is designed to identify those minority and underserved populations (i.e., protected classes) who are otherwise “least likely to apply” to a given project and outline steps and actions to take to specifically market a project to those populations.

This guide will assist you in developing or updating an AFHMP required by HUD for the Low-Income Housing Tax Credit (LIHTC) Program, the HOME Program and National Housing Trust Fund (NHTF).

Background

HUD implemented Affirmative Fair Housing Marketing Plans to prevent redlining in communities (segregating race or ethnicity in defined housing areas). Many properties need to make efforts beyond their normal or current advertising to directly reach and successfully attract underserved populations to increase diversity. The affirmative marketing plan should strive to house both majority and minority populations represented in the housing market area thus ensuring that segregation/redlining does not intentionally occur.

What is Affirmative Marketing

Affirmative Marketing means to understand the housing market area’s demographics, identify underserved populations then implement marketing efforts beyond current or usual methods of advertising to increase a more diverse applicant pool, then house a more diverse population. It often requires taking extra effort to directly market to underserved populations living in the housing market areas.

Affirmative Marketing should demonstrate efforts to reach underserved populations through community contacts and other direct methods of advertising.

1. Direct efforts might be minority or specialized publications i.e., magazine, newspaper, radio, or television or building relationships with organizations, churches, agencies, or businesses who work directly with an underserved population.
2. Consider the use of alternate advertising formats i.e., by translating advertising in a language used by a minority population, providing alternate formats, i.e., braille, large print, audio tapes, etc.
3. Periodically review the special marketing efforts and evaluate successes and failures. Determine how to expand on the successes or make changes on areas needing improvement.

AFHMP Regulations

The regulations can be found in Title 24 Housing and Urban Development, Part 200-Introduction to FHA Programs, Subpart M – Affirmative Fair Housing Marketing Regulations.

https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_rights_and_obligations

HOME Programs, National Housing Trust Fund & LIHTC Programs

Projects that have received HUD funding (HOME funds or National Housing Trust Fund) are required to provide an AFHMP. Projects allocated Low-Income Housing Tax Credits from 2009 forward are required to complete an AFHMP. All programs are following the requirements at HUD Subpart M. CFR24 Part 200.620. Additionally, HOME/National Housing Trust Fund assisted developments with five or more assisted units are required by federal regulation to follow affirmative marketing procedures. ADFA has chosen to apply this requirement to all HOME/NHTF assisted developments regardless of how many units have been designated as HOME/NHTF assisted.

ADFA requires owners to review/renew their AFHMP at least every 5 years for multifamily rental projects. ADFA requires Owners to use HUD's AFHMP format for multifamily projects – form [HUD-935.2A](#). The most current version of this form as of the date of this publication is dated 12/2011; OMB Approval No. 2529-0013 good through 1/31/2021. Owners should use the most current available version of this form if/when HUD updates it. Once complete, the person responsible for implementing and reviewing the plan is required to sign and date the plan prior to submission to ADFA for final approval. The following documents should be submitted to ADFA with a completed and signed AFHMP for review and approval: lease, lease addendum(s), tenant selection criteria, community rules and regulations (e.g., policies and procedures); waiting list policy, and current examples of advertising material(s).

For HOME Tenant Based Rental Assistance (TBRA) or Homebuyer Programs a new plan is required for each new contract.

Housing Protected Classes

| <u>Federal</u> | <u>State</u> |
|-----------------------|---------------------|
| Color | Creed |
| Race | Sexual Orientation |
| Sex | Gender Identity |
| National Origin | Retaliation |
| Religion | |
| Disability | |
| Familia Status | |

Federal HUD requirements and Local protected classes may expand this list.

What Form Do I Use?

HOME, NATIONAL HOUSING TRUST FUND & LIHTC MULTIFAMILY RENTAL

Multifamily Rental/HOME TBRA – The use of the most current HUD form. As of the date of this publication HUD- 935.2A (12/2011) OMB Approval No. 2529-0013 (1/31/2021). This form can be found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/935-2A.pdf>

Homebuyer Program – The use of the most current HUD AFHM Single Family Housing form. This form can be found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/935-2B.pdf>.

Completing the Affirmative Fair Housing Plan – Multifamily Housing

The Affirmative Fair Housing Plan for Multifamily housing has 9 sections called Parts and 4 Worksheets. The following are the instructions on how to complete each section or part.

Part 1: Applicant/Respondent and Project Identification

Blocks 1a, 1b, 1c, 1g, 1h, and 1i need the following information.

It is the Project Name and Address (1a.)

Project Contract Number (1b),

Number of Units(1c),

Application/Owner/Developer Name, Address (1g)

Entity Responsible for Marketing (1h),

To whom should approval and other correspondence concerning the AFHMP be sent(1i).

Geographic Areas

To complete an Affirmative Fair Housing Marketing Plan (AFHMP), demographics need to be pulled for the project from the following geographic areas.

1. Census Tract (if available)
2. Housing Market Area (town/city)
3. Expanded Market Area (county/MSA)

Block 1d – Applicant may obtain the Census tract number from the U. S. Census Bureau

<https://data.census.gov/> when completing Worksheet One.

To Locate Race and Ethnicity Percentages:

Use the advanced search to access data for population groups by race, Hispanic Origin, ancestry, or country of birth.

1. Select one of the three paths you will select to get started:

○ **Race and Hispanic Origin:** Topics → Race and Ethnicity ○ **Ancestry:** Topics

Populations and People → Ancestry

- **Country of Birth:** Topics – Populations and People → Native and Foreign Born → Foreign Born
2. Click on a checkbox or select words/phrases without checkboxes to get more detailed options:
- Select the first checkbox in the list to get population totals or high-level characteristics on the topic (i.e., “Ancestry” or “Foreign-Born”) or basic race/ethnic group (i.e., “Asian” or “Hispanic or Latino”)
 - Select population groups with codes included in the labels to get the most detailed characteristics for the population group (e.g., 244 – Navajo Nation tribal grouping alone (F62-F70))

NOTE: This information was taken from the help menu of the <https://data.census.gov/> website.

Block1e – Applicants should identify both the housing market area and the expanded housing market area for their multifamily housing projects.

A **Housing Market Area** is the area from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants.

An **Expanded Market Area** is a larger geographic area, such as a Metropolitan Division or a Metropolitan Statistical Area, which may provide additional demographic diversity in terms of race, color, national origin, religion, sex, familial status, or disability.

Block 1f – The Applicant should complete this block only if a Managing Agent (the agent cannot be the applicant) is implementing the AFHMP.

Part 2: Type of AFHMP

Block 2a- Applicant should indicate the status of the AFHMP, i.e., initial or updated, as well as the date of the first approved AFHMP. Provide the reason(s) for the current update, whether the update is based on the five-year review or due to significant changes in project or local demographics.

Block 2b – Identify all groups HUD has approved for occupancy in the subject project, in accordance with the contract, grant.

Block 2c- Specify the date the project was/will be first occupied.

Block 2d – For new construction and substantial rehabilitation projects, advertising must begin at least 90 days prior to initial occupancy. In the case of existing projects, applicants should indicate whether the advertising will be used to fill existing vacancies, to place individuals on the project’s waiting list, or to re-open a closed waiting list. Please indicate how many people are on the waiting list when advertising begins.

Part 3: Demographics and Marketing Area

Block 3a- Using Worksheet 1, indicate the demographic composition of the project's residents, current project applicant data, census tract, housing market area, and expanded housing market area. The applicable housing market area and expanded housing market area should be indicated in Block 1e. Compare groups within rows/across columns on Worksheet 1 to identify any under-represented group(s) relative to the surrounding housing market area and expanded housing market area, those group(s) "least likely to apply" for the housing without targeted outreach and marketing. If there is a group or subgroup with members of a protected class that has an identifiable presence in the housing market area but is not included in Worksheet 1, specify under "Other".

Applicants should use the most current demographic data from the U. S. Census or another official source such as a local government planning office. Indicate the source of your data in Part 8 of this form.

Block 3b- Using the information from the completed Worksheet 1, identify the demographic group(s) least likely to apply for the housing without special outreach efforts by checking all that apply.

Part 4: Marketing Program and Residency Preference (if any)

Block 4a – A residency preference is a preference for admission of persons who reside or work in a specified geographic area. Indicate whether a residency preference is being utilized and if so, specify if it is new, revised, or continuing. If the Applicant chooses to utilize a residency preference, state the preference area, (provide a map delineating the precise area) state the reason for having such a preference. Make sure the preference is in accordance with the non-discrimination and equal opportunity requirements in 24 CFR 5.105(a).

Use Worksheet 2 to show how the percentage of the eligible population living or working in the residency preference area compares to that of residents of the project, project applicant data, census tract, housing market area, and expanded housing market area. The percentages would be the same as shown on completed Worksheet 1.

Block 4b – Using Worksheet 3, describe the community contacts used to help market the project to those least likely to apply. This table will include the name of a contact person, his/her address, telephone number, previous experience working with the target population(s), the approximate date contact was/will be initiated, and the specific role the community contact will play in assisting with affirmative fair housing marketing or outreach.

Block 4c – Using Worksheet 4, describe the proposed method(s) of advertising to market to those least likely to apply. This table will identify each media option, the reason for choosing this media, and the language of the advertisement. Alternative format(s) that will be used to reach persons with disabilities, and logo(s) that will appear on the various materials (as well as their size) will be described.

Attach a copy of the advertising or marketing material.

Part 5: Availability of the Fair Housing Poster, AFHMP and Project Site Sign.

Block 5a- The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place. Indicate all locations where the Fair Housing Poster will be displayed.

Block 5b – The AFHMP must be available for public inspection at the sales or rental office, check all the locations where the AFHMP will be available.

Block 5c- The Project Sign must display in a conspicuous position the HUD-approved Equal Housing Opportunity logo, slogan, or statement. Indicate where the Project Site Sign will be displayed, as well as the size of the Sign and the size of the logo, slogan, or statement. **Submit photographs of project site signs.**

EQUAL HOUSING OPPORTUNITY ADVERTISING

All advertising of residential real estate for sale, rent or financing should contain an Equal Housing Opportunity logo, statement, or slogan as a means of educating the home seeking public that the property is available to all persons. The choice of logo, statement or slogan will depend on the type of media used (visual or auditory) and size of the advertisement.



The HUD website has free printable logos

<https://www.hud.gov/library/bookshelf11/hudgraphics>

SECTION 504 ACCESSIBILITY REQUIREMENTS

Section 504 of the Rehab Act makes it illegal for federal agencies programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements under Section 504 include reasonable accommodation for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities, and accessible new construction and alterations.

SYMBOLS OF ACCESSIBILITY

Accessible facilities which meet the Uniform Federal Accessibility Standards (UFAS) 4.1 Minimum Requirements, may use the international symbol of accessibility. The symbol shall be displayed as:



The International Symbol of Access (left) and the New "Accessible Icon" (right)

<https://www.access-board.gov/news/1899-access-board-issues-guidance-on-the-international-symbol-of-accessibility>

Part 6: Evaluation of Marketing Activities.

In this section you will explain the evaluation process of the Marketing Activities to be used to determine if they have been successful in attracting those individuals identified as least likely to apply. Explain how you will make decisions about future marketing activities based on the evaluations.

Part 7: Marketing Staff and Training.

Block 7a- Identify the staff positions that are/will be responsible for affirmative marketing.

Block 7b- Identify whether staff has been trained on the AFHMP and Fair Housing Act. Indicate who provides the training and how frequently training is completed. Specify whether you periodically assess staff members' skills in using the AFHMP and in applying the Fair Housing Act. State how often you assess employee skills and how you conduct the assessment.

Block 7c – Indicate whether staff has been trained on tenant selection in accordance with the project's occupancy policy, including residency preferences (if any). Identify those staff positions that are/will be responsible for tenant selection.

Block 7d – Include copies of any written materials related to staff training and identify the dates of past and anticipated training.

Part 8: Additional Considerations.

In this section you will describe the efforts not previously mentioned that were/are planned to attract those individuals least likely to apply for the subject housing.

Part 9: Review and Update.

By signing this section, you are assuming responsibility for implementing the AFHMP. Review your AFHMP every five years, (multifamily), or when there are significant changes in the demographics of the project or the local housing market area. The revised AFHMP must be submitted to HUD for approval. HUD may review whether the affirmative marketing is being performed in accordance with the AFHMP.

Notification of Intent to Begin Marketing.

No later than 90 days prior to the initiation of rental marketing activities, you must submit notification of intent to begin marketing. The notification is required by the AFHMP Compliance Regulations (24 CFR 108.15). The Notification is submitted to the Office of Housing in the HUD Office servicing the locality in

which the proposed housing will be located. Upon receipt of the Notification of Intent to Begin Marketing from the Applicant, the monitoring office will review any previously approved plan and may schedule a pre-occupancy conference.

Sign and Date the Plan

The person responsible for implementing and reviewing the plan is required to sign and date the plan prior to approval.

Completing the Affirmative Fair Housing Marketing (AFHM) Plan – Single Family Housing

The Affirmative Fair Housing Marketing Plan form for Homebuyer Programs is a five (5) page form consisting of eight (8) sections or Parts. Pages 4 and 5 of the form have instructions on how to complete each Part.

Part 1: Applicant and project Identification

All blocks in this Part must be completed except for 1c. Development Number. When originally applying for HOME funds, you may not yet have a Sales Agent selected so section 1j. does not have to be completed at this point but you will be required to provide ADFA staff with names and addresses for any sales agents utilized during the project. For section 1h. and 1i. – Housing Market Area and Census Tract, please refer to instructions provided under the AFHM Multifamily instructions.

Part 2: Type of Affirmative Marketing Area

Applicant should indicate the approximate racial composition of the market area/s in which the housing will be located by checking one of three choices. Scattered site builders should submit an AFHM Plan that reflects the approximate racial composition of each housing market area in which the housing will be located.

Part 3: Direction of Marketing Activity

Applicant should indicate which group/s they believe are least likely to apply for this housing without special outreach.

Part 4: Marketing Program

Applicant should describe the marketing program to be used to attract all segments of the eligible population, especially those group/s designated in Part 3. The applicant shall provide the type of media to be used with names of newspapers and call letters of radio and/or television stations included, the identity of the audience of the media identified, the size and duration of newspaper advertising and the length and frequency of broadcast advertising. Applicant shall provide information on all community contacts and copies of correspondence to be mailed to these community contacts.

Part 5: Reserved

This area need not be completed.

Part 6: Experience and Staff Instructions

Applicant should indicate whether he/she has had previous experience in marketing housing to groups identified as least likely to apply in 6a. For 6b. applicant should describe the instructions and training provided or to be provided to staff/sales staff. This guidance must include information regarding Federal, State and local fair housing laws and this AFHM Plan. Copies of all available written materials should be submitted with the AFHM Plan.

Part 7: Additional Considerations

Applicant should describe other efforts not previously mentioned which are planned to attract persons least likely to apply for the housing.

Part 8: Compliance with AFHM Plan Regulation

By signing, the applicant assumes full responsibility for implementing the AFHM Plan and understands that HUD may monitor the implementation of the Plan at any time and request modification when deemed necessary.

Notice of Intent to Begin Marketing

No later than 90 days prior to the initiation of sales marketing activities, the applicant with an approved AFHM Plan shall submit notice of intent to begin marketing. The notification is required by the AFHM Plan Compliance Regulations (24 CFR Part 108.15). It is submitted either orally or in writing to the Office of Housing in the appropriate HUD office servicing the locality in which the proposed housing will be located.

THE ITEMS LISTED BELOW APPLY TO ALL PROGRAMS

Maintain a File.

A file helps you establish:

- HOW you determined what outreach was needed.
- WHAT was done? Document actions taken.
- WHEN actions were taken.
- WHY decisions were made to change or expand efforts.

The Property should:

1. Document advertising methods used and maintain copies of ads used to attract targeted populations and the public in general.
2. New demographics should be pulled and input into a demographic worksheet. Compare with previous data to determine if changes have occurred.
3. Does demographic data accurately represent the property over the last five years?
4. Has target populations increased or decreased?
5. Determine if the demographic composition of the residents have changed?
6. Document dates and content of communication with community contacts. Were relationships successful?
7. Did the advertising methods attract target populations?
8. Is training and instruction current? If no, plan and document updated training for staff.
9. Describe how previous plan has been successful and remains valid or provide an updated plan to implement going forward.

THE GOAL

- **ATTRACT TARGETED APPLICANTS (Underserved)** – Ensure all persons have knowledge of housing opportunities and are offered housing without discrimination for persons who qualify.
- **DIRECT MARKETING IS ONGOING** – Demonstrate meaningful attempts to increase underserved populations. (Race, ethnicity, Persons with Disabilities, Families with Children, etc.)
- **REVIEW AND ADJUST** – Review demographics by making a conscience effort to understand the community and changes in underserved populations then adjusting, if needed, after the initial plan has been completed and approved.
- **INCLUSIVE AND DIVERSE** – The property should strive to house both majority and minority populations represented in the housing market areas thus ensuring that segregation or redlining does not intentionally occur.

ADDITIONAL PROPERTY INFORMATION FOR RENTAL PROJECTS

Supply copies of these documents with your AFHMP:

- Lease
- Lease Addendums (NOTE: Some may be required by the Qualified Allocation Plan)
- Tenant Selection Criteria
- Community Rules and Regulations
- Waiting List Policies
- Advertising