

AFFIRMATIVE FAIR HOUSING

MARKETING COMPLIANCE GUIDE

Regional Affordable Rental Housing Program



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BACKGROUND

This Affirmative Fair Housing Marketing Guide is developed to assist Owners/Managers of permanently affordable housing units in developing an Affirmative Fair Housing Marketing Plan (AFHMP) for their regionally supported projects. The Regional Affordable Rental Housing Program (RARHP) has established procedures to affirmatively market units which have been acquired, rehabilitated, constructed or otherwise assisted through the RARHP. The RARHP is committed to the goals of non-discrimination and equal access. In addition, the RARHP is committed to the goals of increasing the housing opportunities with limited English proficiency, low-income residents and under-represented ethnic and racial groups. These goals will be reached through the implementation of the AFHMP developed and maintained by Owners and Managers of permanently affordable housing. The implementation of the AFHMP should result in a diverse tenant population in each of the permanently affordable housing developments, with a representation of ethnic and racial groups which is consistent with their representation in the Region.

The AFHMP demonstrates the commitment of the Owners/Manager's, to affirmatively further Fair Housing. Owners/Manager of permanently affordable housing are responsible for informing the public about the Federal Fair Housing laws, soliciting eligible persons without regard to race, color, national origin, sex, sexual orientation, source of income, religion, familial status, or disability into the affordable housing market and evaluating the effectiveness of these marketing efforts.

Affirmative marketing differs from general marketing activities because it specifically targets potential tenants who are least likely to apply for and/or purchase affordable housing. Efforts must be made to make people aware of the available affordable housing. This Affirmative Fair Housing Marketing Guide is developed to assist Owners/Managers by summarizing the affirmative marketing procedures required by HUD and the RARHP.

FREQUENTLY ASKED QUESTIONS

What Is Fair Housing?

Fair housing, enshrined in the federal Fair Housing Act, is the right to choose housing free from unlawful discrimination. Individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, national origin, religion, sex, age, disability, or familial status. Discrimination is illegal in housing transactions such as rentals, sales, lending, and insurance.

What Is An Affirmative Fair Housing Marketing Plan?

Many federal housing programs require the creation and implementation of an Affirmative Fair Housing Marketing Plan (AFHM Plan). The AFHM Plan is a marketing strategy designed to attract renters of all majority and minority groups, regardless of sex, disability, familial status, etc., to federally-assisted rental projects which are being marketed. It is not enough to simply not discriminate; affirmative steps must be taken to attract as tenants those who are least likely to apply without special outreach efforts. The Plan describes

initial advertising, outreach, and other marketing activities which inform potential renters of the existence of the units. Affirmative fair housing marketing practices must be utilized in soliciting renters, determining their eligibility, and completing all transactions.

Who Should Create An Affirmative Fair Housing Marketing Plan?

The RARHP requires Owners/Managers of all permanently affordable properties to create an AFHM Plan.

How Long Does The AFHM Plan Last And How Often Is It Updated?

AFHM Plans must be reviewed and updated at least every five years or when there are significant changes in the demographics of the project or the local housing market area.

The AFHMP is intended to assure that individuals who normally might not apply for available affordable housing units because they are socially and/or economically disadvantaged:

- to be informed of available housing units;
- be encouraged to apply for available housing units; and
- have an equal opportunity to rent/own their own housing units

Owners/Managers are responsible to promote fair housing through:

- ongoing funding of fair housing services;
- adoption and implementation of an “Analysis of Impediments to Fair Housing Choice”;
- adoption of a Consolidated Plan for CDBG/HOME programs, with an analysis and strategy for fair housing every five years, and in the Annual Action Plan; and
- annual monitoring of fair housing activities through monitoring of fair housing services and reporting on ongoing activities in its Consolidated Annual Performance and Evaluation Report (CAPER).

OWNER/MANAGER RESPONSIBILITIES

All owners must comply with the following requirements for all permanently affordable rental housing units/properties:

Equal Opportunity Logo & Statement

The Equal Housing Opportunity logo or slogan must be used in all signs, ads, brochures, and written communications. Advertising media may include, but is not limited to, any local newspaper, radio or television, brochures, leaflets, bulletin boards, project signs, or other housing organizations.

Fair Housing Poster

Owners must display the HUD Fair Housing poster (Form HUD-928.1) in all rental offices and locations where potential tenants may likely come to apply for housing. HUD's Fair Housing poster can be found at:

https://portal.hud.gov/hudportal/documents/huddoc?id=Fair_Housing_Poster_Eng.pdf.

Submission of an Affirmative Fair Housing Marketing Plan

Owners shall submit an AFHM Plan to RARHP compliance staff who will also review, as part of ongoing compliance monitoring, the owner's efforts to regularly review the AFHM Plan, assess its effectiveness, and make appropriate adjustments to it.

Record Keeping

Owners must maintain a file at the project's office which contains documentation of all marketing efforts (copies of newspaper ads, memos of phone calls, copies of letters, brochures, flyers, etc.) The marketing file must also include the approved AFHM Plan. Owners must maintain a listing of all tenants and applicants. The list must include the unit number, if applicable, the tenant/applicant race, whether they have children, and how they became aware of the availability of the unit(s). These records must be retained for a period of five (5) years and be available for inspection by RARHP compliance staff upon request.

Good Faith Effort

The effectiveness of an AFHM Plan will be measured by an examination of the effort utilized in the implementation of the marketing plan. During the annual review, RARHP compliance staff will be seeking evidence of good faith efforts on the part of property owners to effectively utilize their plans. Owners must keep documentation of all marketing efforts during the year so they may be reviewed annually in order to determine if owners have acted in good faith in following their plan.

OVERVIEW OF THE AFHM PLAN

The creation of an AFHM Plan can be broken down into the following four (4) areas:

1. Targeting: Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts. This is done by first establishing a housing market area. This is the area where you will reasonably expect to find tenants who wish to apply for units at the property. This can be a census tract, multiple tracts, a city, county, or more than one county. Once the area is defined, review the demographic information for the area to determine what groups of people living in your area are the least likely to apply to live in your project without special outreach efforts. Information can be obtained by using the American Fact Finder tool at the census website: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
2. Outreach: Outline an outreach program which includes special measures designed to attract those groups identified as least likely to apply, and other efforts designed to attract people from the total eligible population.

- a. *Community Contacts*. The housing provider must list at least one community organization that serves each group determined to be least likely to apply and who has agreed to help the provider in their marketing efforts. In the plan, include the name of the contact person, contact information, experience working with the target population, as well as the number and language of materials to be provided to such agencies.
 - b. *Media*. The housing provider should specify the particular means of advertising to reach a target group and the reasoning behind the particular type of advertising. Advertisements should include the Fair Housing logo.
 - c. *Expanded Housing Market*. If the immediate housing market area is not demographically diverse enough to draw applicants considered “least likely to apply”, then an expanded housing market area should be used.
3. Indicators: State the indicators to be used to measure the success of the marketing program.
 - a. Maintain a listing of all tenants and applicants, including unit number (if applicable), along with their race, utilization or request for an accessible unit, whether or not the household has children, and how they became aware of the availability of the housing unit(s).
 - b. In addition, comparing the number of units now occupied by persons previously determined to be “least likely to apply” and the number of people least likely to apply on the waiting list prior to and after the marketing process is a good starting place for the evaluation.
4. Staff Training: Demonstrate the capacity to provide training and information on fair housing laws and objectives to sales or rental staff.

DEVELOPING THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN

Form HUD-935.2A should be used to create the project’s AFHM Plan. For the purposes of the RARHP, the form need only be submitted to RARHP compliance staff for review and approval. It does not need to be submitted to HUD. The instructions below will aid in the completion of Form HUD-935.2A, which can be found on HUD’s website (www.hud.gov).