



FAIR HOUSING ACT

Affirmative Fair Housing Marketing Plan Guidance

HUD Programs



Community Housing and Grants Management Division

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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?

All HUD-funded projects of five or more units must create an AFHM Plan. No applications for HUD programs will be funded without an approved AFHM Plan.

How long does the AFHM Plan last and how often is it updated?

The AFHM Plan remains in force throughout the compliance period. AFHM Plans must be reviewed at least every five years or when there are significant changes in the demographics of the project or the local housing market area.

Where can I find more information?

Please visit HUD's website at www.hud.gov/affh for additional information on Affirmatively Furthering Fair Housing.

PROJECT OWNER RESPONSIBILITIES

All owners must comply with the following requirements for the duration of the compliance period.

Advertising

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.

Project Sign

Owners must post in a conspicuous position on all project sites a sign displaying prominently either the HUD Equal Housing Opportunity logo or slogan or statement.

Submission of an Affirmative Fair Housing Marketing Plan

Owners shall submit an AFHM Plan to North Dakota Housing Finance Agency (NDHFA). NDHFA 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 5 years and be available for inspection by NDHFA upon request.

Good Faith Effort

The effectiveness of an AFHM Plan will be measured not by quotas, but by an examination of the effort utilized in the implementation of the marketing plan. During the annual review, NDHFA 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 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 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 may be obtained from the Census Bureau website <https://data.census.gov/>. The following video provides detailed instructions to help you find the necessary data within the census site: <https://www.youtube.com/watch?v=M4uXPjXVm7w>.
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 persons 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 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 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

Use [HUD-935.2A form](#) to create the project’s AFHM Plan and submit it to NDHFA for review and approval. The instructions below will aid in the completion of HUD-935.2A form.

Box	Instructions
1a.	This item is self-explanatory. The most frequent omission is the County.
1b.	Not applicable.
1c.	List total number of units in the project.
1d.	Provide the census tract for the location of the project. For instructions on how to find this and other census information: https://www2.census.gov/data/api-documentation/Address%20Search%20-%20Geocoder%20and%20TIGERweb/How%20to%20Find%20Geo%20Info%20from%20Address.pdf
1e.	List the housing market area (town/city/county) from which the owner/agent intends to draw applicants. If the immediate housing market area (i.e. City) is not demographically diverse enough to draw applicants which were identified as least likely to apply, an expanded housing market area (i.e. County) should be listed to increase the diversity of individuals to be reached by the marketing efforts.
1f.	Provide the name, address, phone number, and email address of the management agent.
1g.	Provide the name, address, phone number and email address of the owner.
1h.	Check the box to identify which entity will be responsible for marketing (owner, agent, or other). Also, please identify the name, address, telephone and email of the person within that entity who will be responsible for implementing the marketing plan.
1i.	Provide a contact person to whom all correspondence (including approval of this plan) should be sent. Please provide name, address, telephone number and email for this contact person.
2a.	If this AFHM Plan is for a new project, please select “Initial Plan” and list the date the plan is being submitted. If this is an update to an existing plan, please select “Updated Plan” and list the date that the plan is being submitted. If you select “Updated Plan”, please include a reason for the update, i.e. over five years old, new management agent, addition or removal of community contacts, etc.

Box	Instructions
2b.	Select the occupancy type of the project (exclusively elderly, family, elderly and disabled, disabled).
2c.	List the date of initial occupancy (existing projects will have a date in the past, and new projects will have an anticipated date).
2d.	List the date that you plan to begin marketing the property. This date should be at least 90 days prior to initial occupancy for new projects. For existing projects please indicate the date advertising will begin and also indicate the purpose of the advertising: i.e. to fill vacancies, add applicants to a waiting list, etc. Also, please provide the number of applicants currently on the waiting list.
3a.	Utilize Worksheet 1 of Form HUD-935.2A to complete this box. Worksheet 1 is designed to assist in identifying which groups of applicants might need additional outreach to apply for housing at the subject project. Worksheet 1 • Project %: List the percentage of individuals from each demographic category that reside in the project. • Waiting List %: List the percentage of individuals from each demographic category that are on the project's waiting list. • Census Tract %: List the percentage of individuals from each demographic category that resides in the project's census tract. To obtain the most meaningful information, use demographic data for those who would be eligible for housing in the designated area. For example, if the subject property is for seniors, the census information should be limited to seniors in the designated area. Subsets of demographic information can be obtained by various categories, i.e. age, income, etc. • Housing Market Area %: List the percentage of individuals from each demographic category that reside in the project's housing market area (where the applicants to the subject project are expected to be drawn from). Demographic data for this area will also be obtained by reviewing the applicable census data. • Expanded Housing Market Area %: (If applicable) List the percentage of individuals from each demographic category that reside in the project's Expanded Housing Market Area (the larger region from which to pull applicants if the Housing Market Area is insufficient). Expanded Housing Market Areas should be utilized if the standard housing market area is not sufficiently diverse to attract demographic groups who may be underrepresented as tenants at the project or underrepresented on the waiting list. If the current occupancy AND waiting list AND Housing Market Area are not demographically diverse, applicants must utilize an Expanded Housing Market Area.
3b.	Based on the data listed in Worksheet 1, indicate which groups need additional outreach to apply for housing at the project. This determination can be made by comparing the Project and Waiting List percentages against the Census and Housing Market Area percentages. If each group in the community is appropriately represented in the project and/or waiting list, then that group does not need extra outreach. However, if the Project and Waiting List percentages are less than the percentage in the general community, then that group does require additional outreach and should be checked in Box 3b.
4a.	Indicate if the project is requesting or have been previously approved for a geographic residency preference. This will likely be not applicable to this North Dakota project, but if it is, use Worksheet 2 .

Box	Instructions
4b.	Utilize Worksheet 3 to complete Box 4b. List a specific community contact for each group identified in Box 3b as needing extra outreach. Worksheet 3 - Targeted Population: List each group identified in Box 3b as requiring extra outreach to apply for housing. - Community Contacts: List specific community contacts for each group listed in Box 3b. Generic community contacts (for example, housing authorities) are not generally acceptable community contacts but they may be used in addition to listed acceptable community contacts. - List the agency name - List the contact person and their position at the agency - List the contact's address, phone, and email - Explain the agency's experience with the targeted population - Explain how the agency will assist in informing the targeted population about the project's housing availability - Provide the anticipated date on which the agency will begin to contact the targeted population
4c.	Utilize Worksheet 4 to complete Box 4c. List specific methods of advertising that will be used to reach each group identified in Box 3b as needing extra outreach. Attach examples of the advertising with this plan. Worksheet 4 - Method of Advertising: List names of newspaper, radio stations, TV stations, electronic media, bulletin boards, brochures, notices, flyers, as applicable, which will be utilized in marketing efforts. - Targeted Population: For each method of advertising, list the targeted audience, state any language(s) other than English that the information will be provided in, and identify any alternative format(s) to be used, i.e. Braille, large print, etc.
5a.	Check off each location where the HUD Fair Housing Poster will be displayed.
5b.	Check off each location where the AFHM Plan will be made available for public inspection.
5c.	Check off each location where the project sign will be displayed, as well as note the size of the Equal Housing Opportunity logo, slogan, or statement on the sign.
6.	Explain the process for evaluating the marketing efforts noted in this plan. How often will the effectiveness of the plan be evaluated? (Minimum annually.) If it is determined that the plan is not successful, describe steps that will be taken to modify the plan as needed.
7a.	List the name and position of the staff that will be responsible for marketing efforts.
7b-c.	Complete the required information regarding staff training on the AFHM Plan, Fair Housing and on overall tenant selection. While one person may be the responsible party for marketing efforts, all staff must be trained and be familiar with the AFHM Plan and Fair Housing Act requirements. This training component will play a major role in the assessment of whether Good Faith Efforts are being made to implement the plan and train staff.
7d.	Provide samples of training materials and provide dates when the training was or will be conducted.
8.	List any additional considerations that should be noted regarding the project's marketing activities.
9.	Sign and date the form. This indicates that the owner/agent agrees to participate in an annual review of the plan and will maintain records of all marketing activities in a file at the project office.