



Affirmative Fair Housing Marketing Plan AFHMP

OHCS Program Compliance Guide: What is Affirmative Marketing? How do we comply with regulations?

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Understanding Affirmative Marketing

Most all federal or state funded, insured or assisted housing programs in Oregon have an obligation to create, implement and maintain an Affirmatively Fair Housing Marketing (AFHM) Plan. The AFHM Plan is a strategy designed to attract buyers and renters of all majority and minority groups, including persons with disabilities, to assisted and insured rental projects and sales dwellings which are being marketed to the public. The marketing plan should be detailed to include actions to reach all federal, state or local protected classes and tailored to the community in which the property is located. The plan describes both initial and ongoing advertising, outreach and community contacts, and other marketing activities which are designed to inform all potential buyers and renters of the existence of the units. The main purpose of an AFHM Plan is to reach people and communities who are least likely to apply for the housing. Oregon Housing and Community Services (OHCS) is committed to affirmatively furthering fair housing in all aspects of its operations. The AFHM plans are one integral piece of that effort.

Through an affirmative marketing plan, a developer, property owner and management agent will indicate and document what specific efforts they will make to reach out to potential applicants who might not normally seek housing at the property. This is achieved by studying the market area, learning about the target population and designing methods to reach out to those who have been determined to be the least likely to apply. An effective affirmative marketing strategy expands housing choices and provides for an open and fair housing market where individuals are free to live where they choose.

Affirmative marketing does not include specific goals or quotas. However, quantitative data and analyses are essential to planning and monitoring affirmative marketing program effectiveness. The OHCS Asset Management and Compliance Section is very committed to partnering with all property Owners/Agents to provide guidance on the development of their AFHM Plans. The review of AFHM plans is an important piece of the ongoing compliance monitoring process as well as the property development stage.

This Guide is intended to serve as a tool to assist those who are recipients of OHCS funds. It is not a substitute for obtaining legal advice. It summarizes the AFHM plan and affirmative marketing procedures as required by federal and state regulations and provides step-by-step instructions on how to effectively develop a property marketing plan to meet requirements and achieve the greatest possible positive impact.

AFHM plans should not be created and filed away without further thought. The plan is meant to be used on a regular basis and provides a specific process that has been identified as being needed to provide equal access to the property.

Affirmative Marketing Policy

In furtherance of OHCS' commitment to non-discrimination and equal opportunity in housing and OHCS' commitment to affirmatively further fair housing, the following procedures have been established. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

OHCS is committed to the goals of Affirmative Marketing which are implemented through the following procedures:

PROPERTY OWNER DUTIES

The following requirements apply to any Owner/Developer and Management Agent (Agent) of multi-family housing properties consisting of 5 or more units.

Owners/Developers and Management Agents must conduct appropriate research regarding the property and the market area of the property to determine the appropriate affirmative marketing methods that will be utilized best to meet the requirements. Then, documenting the research and methods for this required work must be done by completing the HUD Form 935.2a AFHMP.

This must be completed at certain times throughout the life of the property as follows:

- At development/new property
- When new funding is being added
- When new management begins at the property
- At the required review period

OHCS requires the utilization of affirmative fair housing marketing practices in soliciting renters, determining their eligibility and completing all transactions. All Owners/Agents must comply with the following requirements for the duration of each applicable affordability period for each property:

a. 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 limit to, any local newspaper, radio, television station, brochures, leaflets bulletin boards, property signs or other housing organizations. Websites can be used must not be the only format used to advertise the property.

b. Fair Housing Poster:

Owners must display the HUD fair housing poster in all rental offices and locations where potential tenants may likely come to apply for housing.

- c. Property sign:**
Owners must post in a conspicuous position on all property sites a sign displaying prominently either the HUD approved Equal Housing Opportunity logo or slogan or statement.
- d. Submission of an Affirmative Fair Housing Marketing Plan:**
Owners shall submit to OHCS a HUD form 935.2a for multi-family properties.
- e. Training:**
Owner/Agents must maintain a nondiscriminatory hiring policy and must at least annually provide fair housing training to all employees and agents.
- f. AFHMP Training:** While one person may be the responsible party for marketing efforts, all staff must be trained and be familiar with the property's specific AFHMP requirements. This training component will play a major role in the assessment of whether you are making good faith efforts to educate the staff and implement the plan.

RECORD KEEPING

Owners/Agents must maintain records of all marketing efforts (copies of newspaper ads, memos of phone calls, copies of letters, brochures, flyers, web postings, etc.) The property must also post and have available the approved HUD Form 935.2a and documentation supporting that it has been reviewed by OHCS. These records must be available for inspection by OHCS upon request.

OHCS DUTIES

OHCS requires recipients of program funds (Owners/Developers and Management Agents) to implement and follow AFHM procedures and may inform the public, potential tenants and owners about this policy through:

1. Placement of a link to this Guide on the OHCS website.
2. Providing technical assistance through this Guide as well as offer additional assistance for Owners and Agents when needed.
3. Reviewing marketing activities for properties receiving OHCS funds to ensure compliance with the AFHMP. This compliance review may start at the property development stage and continue through the applicable affordability period of the property.

OHCS AFHMP Approval Process:

1. OHCS staff will review the submitted AFHMP document
 - a. The AFHMP document must be fully completed. OHCS requires the inclusion of census data print outs from the US Census Bureau website showing the percentages of demographic groups identified in the appropriate census tract, housing market area and expanded housing market area with the submission.
2. Once the AFHMP document is accepted, OHCS staff will approve.

ASSESSMENT OF MARKETING ACTIVITIES & CORRECTIVE ACTIONS:

a. Timing of Assessment:

- OHCS Asset Management and Compliance Section staff will review the marketing activities performed at each property during compliance reviews.

b. Assessment Procedure:

- The marketing activities will be assessed by reviewing the records of advertising activity and determining that they meet the requirements. The assessment will also include a comparison between the properties tenants and waiting list and the housing market area to determine if the marketing is adequately reaching those groups that were identified in Box 3b of the AFHMP as least likely to apply.
- Owners are required to make good faith efforts to design and implement an AFHM plan, to retain marketing documents, maintain accurate files, to participate in the annual review, and to implement changes in plans when corrections are required. Owners must keep the signed approval letter with the AFHM plan at all times. Failure to comply with any of the AFHMP requirements may lead to corrective actions up to an including being prohibited from further participation in OHCS programs.

Overview of the Affirmative Fair Housing Marketing Plan (AFHMP)

The AFHMP is a marketing strategy designed to attract renters of all majority and minority groups regardless of race, color, gender, religion, national origin, disability or familial status and additionally in Oregon: marital status, source of income, sexual orientation, gender identity, domestic violence victims and voucher holders (rental assistance) to rental units in the property.

The creation of an Affirmative Fair Housing Marketing 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, a city, a metro area, a county or more than one county. Once the area is defined, then review the demographic information provided on the US Census Bureau's website and other available data and determine what groups of people living in your area are the least likely to apply to live in your property without you actively seeking them out with this marketing plan. Determine which demographic group or groups are under-represented in the defined housing market area/s.
 - **Housing Market Area:** The area from which an owner/agent can reasonably expect to draw a considerable number of tenants for the property – City/Metro Area

- **Expanded Housing Market Area:** A larger geographic area that may provide additional demographic diversity in terms of race, color, national origin, religion, sex, familial status, or disability – County, Metropolitan Statistical Area.
2. **Outreach:** Once you have identified the groups you need to target then you must develop an outreach program which includes special measures designed to attract those groups and other efforts designed to attract persons from the total population. This is where you can be creative. Devise ways to reach the population you identified in step 1 that are unique to your area. What groups can you partner with who have contact with the people you are trying to reach? Are there any minority or disability groups in your area that can help you spread the word about your available units? Do the units you have available meet specific needs of the people in your area i.e. transportation, accessibility, proximity to services, etc.? If so, how can you let them know what your units offer? Think outside the box and focus on what ways you can use to reach the groups you identified in step 1.
 3. **Assessment Indicators:** Develop a plan for what information you are going to track that will allow you to measure the plan’s effectiveness. This is another area where you have the freedom to be creative. Some examples of methods that can be used include:
 - Noting if the program effectively attracted renters who are from the majority and minority groups including persons with disabilities and families with children as represented in the total population of the housing market area;
 - Tracking how many referrals you have received from the groups identified for outreach in your area;
 - Logging how many walk-ins or phone inquiries are received from people who indicate they are responding to your marketing.
 4. **Staff Training:** Training is an ongoing commitment to fair housing and there will always be more to learn. Owners/Agents must provide their staff fair housing training at least annually. Owners/Agents must ensure that all staff understands the specific AHFMP for their property.

Good Faith Effort

The effectiveness of a plan will be measured not by quotas but by an examination of the effort utilized in the implementation of the marketing plan. During the compliance review of the property, OHCS staff will evaluate evidence of good faith efforts on the part of Owners/Agents to effectively utilize their plans. The plan is not intended to be developed and approved and then put in a drawer until the next review. **Owners/Agents must keep documentation of all marketing efforts during each year so that it can be reviewed and a determination can be made on whether Owners/Agents have acted in good faith in following the property’s plan.**

Good faith efforts can be documented in the following ways:

- 1. Advertising** – Maintain records of any advertising in print and electronic media that was placed in publications or locations which are primarily viewed or listened to by those groups you identified in step 1 above;
- 2. Marketing** – Keep records of efforts where you communicated or worked with specific community, religious or other organizations frequented by those groups identified in step 1. Work with these groups to set-up a referral network and track any referrals that come from these groups;
- 3. Develop a Brochure or Handout** – The brochure or handout should describe facilities or services that are offered at your property or that are available in close proximity, which can be used by renters, e.g., transportation services, schools, hospitals, industry, and recreational facilities. The brochure should also describe how the property is or will be accessible to physically handicapped person and state that reasonable accommodations will be made for persons with disabilities;
- 4. Training** – This is a very important component in determining if an Owner/Agent is operating in good faith. Owners/Agents should track and maintain records which indicate that the property and agency staff have read and understood the Fair Housing Act, and the purpose and objectives of the AFHM plan. Owners/Agents must engage in training their staff at least annually and must be able to provide details as to the content of the training that the staff received.
- 5. AFHMP Training:** While one person may be the responsible party for marketing efforts, all staff must be trained and be familiar with the property’s specific AFHMP requirements. This training component will play a major role in the assessment of whether you are making good faith efforts to educate the staff and implement the plan.

Common AFHMP Mistakes

- Incomplete information, i.e.: number of units, census tract, marketing areas not provided
- Insufficient research, i.e.: all ethnic groups are considered “least likely to apply”
- Failure to advertise in places used by people who have been deemed “least likely to apply”
- Lack of follow-up with community contacts to ensure the housing opportunities have been advertised
- No standards to ensure the marketing plan was effective
- Lack of current staff training on fair housing laws
- Not applying census data correctly to accurately determine those groups as least likely to apply.
- Not reading the AFHMP form
- Not completing the Worksheets correctly
- Mis-understanding the purpose of the AFHMP
- Not applying guidance issued
- Not monitoring appropriately for needed updates

- Ongoing staff training does not cover the AFHMP for the property
- Marketing staff not using the AFHMP
- Not including copies of all required materials – training information, census data from Fact Finder and copies of marketing materials
- Not updating area contacts when needed
- Not signing the AFHMP

HUD Form 935.2a Tip Sheet



Affirmative Fair Housing Marketing Plan Tip Sheet HUD Form 935.2a Multi-Family

Item #	Instructions:
1a.	This item is self-explanatory. The most frequent omission is that the county is left out.
1b.	Please provide property's Section 8/PRAC number (if applicable- otherwise leave blank)
1c.	Please list total number of units in the property.
1d.	Please provide Census Tract for where the property is or will be built. This information can be found at https://data.census.gov/cedsci/ (US Census Bureau)
1e.	Please list the housing market area (town/city/county) from which the Owner/Agent intends to draw applicants (known as "Housing Market Area"). If the immediate housing market area is not demographically diverse enough to draw applicants considered least likely to apply for housing in this property (those "least likely to apply" are those populations currently under-represented in the property or under-represented on the waiting list) an "Expanded Housing Market Area" should be listed to increase the diversity of individuals to be reached by the marketing efforts.
1f.	Please provide Management Agent's name, address, telephone number & email address. The most frequently omitted items are the telephone number and email address.
1g.	Please provide Owner's name, address, telephone number & email address.
1h.	Please check the <i>entity</i> responsible for marketing (Owner, Agent or other). Also provide position, name, address, telephone and email of the <i>person</i> responsible for implementing the marketing plan.
1i.	Please provide a <i>contact person</i> to whom all correspondence (including approval of this plan) should be sent. Please provide name, address, telephone number and email address for this contact person.
2a.	If this AFHMP is for a new property, please select "Initial Plan" and list the date the plan is being submitted. If this plan 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 the reason for the update, i.e. over five years old, new management agent, addition or removal of community contacts etc.
2b.	Please select the occupancy type of the property (i.e. families).
2c.	Please list the date of initial occupancy (existing properties will have a past date; new properties will list anticipated date).

2d.	Please list the date you plan to begin advertising. This date should be at least 90 days prior to initial occupancy for new properties. For existing properties 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 or reopen an existing waiting list. Also, please provide the number of applicants currently on any waiting list.
3a.	<p>Worksheet 1 must be completed in order to accurately complete box 3b. Worksheet 1 is designed to assist you in identifying which groups of applicants might need additional outreach to apply for housing at this property. Omitting this data or not fully completing Worksheet 1 will result in the plan being returned as incomplete.</p> <ul style="list-style-type: none"> • <u>Property %:</u> List % of individuals from each demographic category that reside at the property. • <u>Waiting List %:</u> List % of individuals from each demographic category that are on the property’s waiting list. • <u>Census Tract %:</u> List % of individuals from each demographic category that reside in the property’s census tract. Important Note: to obtain the most meaningful information, use demographic data for those who would be eligible for housing at your property in your designated area. Subsets of demographic information can be obtained by various categories, i.e. age, income etc. Information can be obtained from the US Census Bureau website at: https://data.census.gov/cedsci/. • <u>Housing Market Area %:</u> List % of individuals from each demographic category that reside in the property’s housing market area (where applicants are expected to be drawn from). Demographic data for this area should be obtained by reviewing the census data. • <u>Expanded Housing Market Area %:</u> (if applicable) List % of individuals from each demographic category that reside in the property’s Expanded Housing Market Area (larger region from which to draw applicants). NOTE: Expanded Housing Market Areas should be utilized if the standard housing market area is not diverse enough to attract demographic groups who may be under-represented as tenant at the property or under-represented on the waiting list. If the current occupancy AND waiting list AND Housing Market Area are not demographically divers, Owner/Agents MUST utilize an Expanded Housing Market Area.
3b.	Based on data listed in Worksheet 1, indicate which groups are in need of additional outreach to apply for housing at the property. Please Note: This determination can be made by comparing the property and waiting list % against the Census Tract and Housing Market Areas %. Is EACH group in the community appropriately represented in the property or on the waiting list? If so, then the particular group does not need extra outreach to apply. However, if the property and waiting list % is less than the % in the general community, that particular group does need additional outreach and should be checked in box 3b.
4a.	Please indicate if you are requesting or have been previously approved for a residency preference.

4b.	<p>On Worksheet 3, please list a SPECIFIC community contact for each group identified in #3b as needing extra outreach. Please note: If generic phrases such as “All/Mixed” are used under “target population, the AFHMP will be returned as incomplete.</p> <ul style="list-style-type: none"> • Targeted Population: Please list EACH group listed under #3b as needing extra outreach to apply for housing at the property. • Community Contacts: Please list specific community contacts for EACH group listed #3b. Please Note: Generic community contacts (Housing Authorities, Dept. of Social Services etc.) are generally NOT an acceptable community contact. Also, government agencies are generally NOT an acceptable community contact. However, they can be used as additional contacts only. <ul style="list-style-type: none"> • List Agency; • List Contact Person & their Position at the agency; • List their address, phone & email; • Explain their experience with the target population; • Explain how they have agreed to help assist in informing the target population about the property’s housing availability; • Provide the anticipated date on which they will begin to contact the targeted population.
4c.	<p>On Worksheet 4, Please list SPECIFIC methods of advertising that will be used to reach EACH group identified in #3b as needing extra outreach.</p> <ul style="list-style-type: none"> • Method of Advertising: List names of newspaper, radio stations, TV stations, electronic media, bulletin boards, brochures/notices/flyers, as applicable that will be utilized in marketing efforts (left column). • Targeted Population: For each method of advertising, please list the targeted audience, state any language(s) other than English that the information will be provided in, and identify any alternative format(s) use, i.e. Braille, large print. Please Note: Though there can be a variety of populations in the audience of a given medium, generic words such as “All/Mixed” should not be used. Please be specific. If generic words are used or this information is omitted, the AFHMP will be returned as incomplete. Be sure to submit copies of marketing materials that will be used.
5a.	Please identify each location where the Fair Housing Poster will be displayed.
5b.	Please identify each location where the AFHMP will be made available for public inspection.
5c.	Please identify each location where the property sign will be displayed, as well as list the size of the Equal Housing Opportunity logo, slogan or statement on the sign.
6.	Explain the process that will be used to evaluate the marketing plan as identified throughout the form. Include details regarding how the effectiveness of the plan will be evaluated and how often the evaluation will take place (must be annually at a minimum). If it is determined that the plan is not successful, describe steps that will be taken to modify the plan to be effective.
7a.	Please list the name and position of the staff person/s that will be responsible for the marketing efforts.
7b &	Please complete the required information regarding staff training on the AFHMP, Fair

7c.	Housing and on overall tenant selection. Please Note: While one person may be the responsible party for marketing efforts, all staff must be trained and be familiar with the AFHMP and Fair Housing Act requirements. This training component will play a major role in the assessment of whether you are making good faith efforts to educate the staff and implement the plan.
7d.	Please describe the AFHMP/Fair Housing staff training/s that have been provided or will be provided. Include the staff person who received the training, a description of the training content and the dates the training occurred/will occur. Please provide copies of the training materials.
8.	Please list any additional considerations that should be noted regarding the marketing activities for the property.
9.	Please sign and date the form. This certifies that the Owner/Agent agrees to implement and maintain the AFHMP and all requirements pertaining to the AFHMP for the property and to review and update the AFHMP as required.
	Submit the fully completed initial or updated AFHMP to OHCS Portfolio Administration for review. Please Note: if the property has HUD Contract Project-Based Section 8 Rental Assistance, you must send a copy of the AFHMP to HUD for review and approval as well.