

# Affirmative Fair Housing Market Plan (AFHMP)

## Fair Housing and Civil Rights Statement

Alaska Housing Finance Corporation's (AHFC) Greater Opportunities for Affordable Living (GOAL) program requires that any Owner/Agent and any of its employees/agents, and sub-contractors adhere to and comply with all Federal Civil Rights legislation inclusive of the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act as well as any state or local Civil Rights legislation. Should AHFC not specify any requirements, it is the sole responsibility of the Owner/Agent to be aware of and comply with all non-discrimination provisions relating to race, color, religion, sex, handicap, familial status, national origin and any other classes protected in Alaska. This includes design requirements for construction and rehabilitation, equal opportunity in regard to marketing and tenant selection (affirmative marketing procedures), and reasonable accommodation and modification for those tenants covered under the law.

Fair housing 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. It is illegal to discriminate in rental of housing, including against individuals seeking housing assistance, or in other housing-related activities.

## What is an AFHMP?

The purpose of the AFHMP is to help Owner/Agent in developing an AFHMP program to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, national origin, religion, sex, disability, or familial status. The AFHMP helps Owner/Agent effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy in a housing Development. Affirmative steps must be taken to attract those tenants who are deemed least likely to apply without special outreach. The AFHMP should describe initial advertising, outreach, and other marketing activities, which inform potential renters of the existence of the units. AFHMP practices must be utilized in soliciting renters, determining their eligibility, and completing all transactions.

AHFC requires the AFHMP to be reviewed annually unless it has been approved by USDA Rural Development (RD) or the US Department of Housing and Urban Development (HUD). An AFHMP that has been approved by HUD or USDA Rural Development is good for five years.

## What is expected of the Owner/Agent?

The Owner/Agent of a development funded under the GOAL Program shall maintain evidence supporting that the Affirmative Marketing efforts are ongoing and directed towards the appropriate population. Therefore, Owner/Agent are required to comply with the following requirements throughout the affordability and/or extended use period:

## *Advertising*

AHFC and HUD requires that Owner/Agent include the Equal Housing Opportunity and accessibility logotypes, statements and slogans, in all applicable correspondence including but not limited to advertisements, press releases, applications, and correspondence.

Owner/Agent should also take steps to ensure that more than one source of advertising is used to attract eligible applicants. AHFC encourages Owner/Agent to engage in several forms of marketing; including but not limited to printed marketing materials, outreach to local community organizations and participation in local housing organizations.

More information regarding advertising guidelines can be found at:

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/advertising\\_and\\_marketing](https://www.hud.gov/program_offices/fair_housing_equal_opp/advertising_and_marketing).

## *Fair Housing Poster*

The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place (24 CFR 200.620(e)). HUD's Fair Housing poster can be found at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/marketing](https://www.hud.gov/program_offices/fair_housing_equal_opp/marketing).

## *Development Sign*

Development signs, if any, must display in a conspicuous position the HUD approved Equal Housing Opportunity logo, slogan, or statement (24 CFR 200.620(f)).

## *Record Keeping*

Owner/Agent must maintain a file at the Development's office, which contains documentation of all marketing efforts (copies of newspaper ads, copies of letters, brochures, flyers, etc.) and the current AFHMP. All marketing records must be retained for six (6) years past the due date for filing the federal income tax return for that year.

## *Annual Monitoring*

Each year AHFC's Internal Audit Department (IAD) will review the AFHMP and its supporting materials to determine if good faith efforts were made by the Development's Owner/Agent in implementing an effective plan that complies with the Fair Housing Act.

## **How to create an effective AFHMP**

An effective AFHMP can be broken into the following four (4) key areas:

1. **Targeting:** Utilizing Worksheet #1, identify the demographics of the eligible population, which are least likely to apply for housing without special outreach efforts. In order to make this determination the housing market area must be defined. The housing market area is where you would reasonably expect to find tenants who wish to apply for units at the Development. In Alaska, this is usually determined by the Census Tract. Once the market area has been defined for the Development, review the demographic information for the area to determine which demographics living in the market area are least likely to apply without special outreach efforts. Census Tract data can be found by visiting <https://data.census.gov/cedsci/>.

2. **Outreach:** Create a detailed plan that includes what measures will be taken to attract those demographics identified as least likely to apply, and other efforts that will be used to attract demographics from the total eligible population.
  - a. *Community Contacts.* Utilizing Worksheet #3, Owner/Agent should list at least one community organization that serves each group determined to be least likely to apply and who has agreed to help the Owner/Agent in their marketing efforts. The plan should include a contact name, their contact information, details indicating their experience working with the target population, and the languages materials will be offered in.
  - b. *Media.* Utilizing Worksheet #4, the Owner/Agent should specify the means of advertising that will be utilized and the reasoning behind that choice. All marketing and advertisements should include the required Equal Housing Opportunity and accessibility logotypes, statements and slogans. Limiting efforts to one source is not recommended.
  - c. *Expanded Housing Market.* If the Owner/Agent determines that the housing market area is not diverse enough to draw applicants that would be considered least likely to apply without special outreach efforts, then the expanded housing market area should be used. [Reference: AFHMP Page 6, Block 1e]
3. **Indicators:** Owner/Agent should clearly identify the evaluation process that will be used to determine whether the marketing activities have been successful in attracting individuals least likely to apply, how often this determination will be made, and how decisions about future marketing based on this evaluation process will be determined.
4. **Staff Training:** Owner/Agent should be able to demonstrate that staff have been provided training pertaining to both the Fair Housing Act and the objectives of the AFHMP.

## Developing an AFHMP

Owner/Agent of multi-family developments should utilize Form HUD 935.2A when creating an AFHMP. AHFC's IAD does not require the AFHMP to be submitted to HUD for approval. The instructions provided below are meant to aid Owner/Agent in completing the AFHMP. The most current version of the form can be found here: [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud9a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud9a).

Box	Instructions
1a.	Provide the Development name and address. Be sure to include the County (aka Borough).
1b.	Not Applicable
1c.	List the total number of units in the Development.
1d.	Provide the census tract for the location of the Development. This information can be found by entering the Development's address in the following link: <a href="https://geocoding.geo.census.gov/geocoder/locations/address?form">https://geocoding.geo.census.gov/geocoder/locations/address?form</a> .
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 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 for the management agent.
1g.	Provide the name, address, phone number, and email address for the Owner.
1h.	Check the box to identify which entity will be responsible for marketing. Provide the name, address, phone number and email address of the entity who will be responsible for implementing the marketing plan.
1i.	Provide a contact person to whom all correspondence should be sent and include the, address, telephone number and email for that person.
2a.	If this AFHMP is for a new Development, select 'initial plan' and list the date the plan is being submitted for review. If this is an update to an existing plan, select 'updated plan' and list the date the plan is being submitted. If you select 'updated plan' include a reason for the update (i.e. annual review).
2b.	Select the occupancy type of the Development (exclusively elderly, family, elderly and disabled, disabled).
2c.	List the date of initial occupancy. New Developments should list the anticipated date of occupancy.
2d.	List the date you plan to begin marketing the Development. <ul style="list-style-type: none"> <li>• <i>New Developments:</i> This date should be at least 90 days prior to initial occupancy.</li> <li>• <i>Existing Developments:</i> provide the date advertising will begin and select the reason advertising will be used. Make sure you enter the number of individuals currently on the waitlist if necessary.</li> </ul>
3a.	Complete Worksheet #1. Worksheet #1 is designed to assist Owner/Agent in determining which demographics may be considered 'least likely to apply' without special outreach efforts. <ul style="list-style-type: none"> <li>• <b>Development Residents:</b> For each demographic listed; provide the percentage of individuals that reside at the Development.</li> <li>• <b>Development Applicant Data:</b> For each demographic listed, provide the percentage of applicants that are on the waiting list.</li> <li>• <b>Census Tract:</b> For each demographic listed; provide the percentage of individuals that reside in the Development'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 Development is for seniors, the census information should be limited to seniors in the designated area. Subsets of demographic information can be obtained by using the Census Tract website: <a href="https://data.census.gov/cedsci/">https://data.census.gov/cedsci/</a>.</li> <li>• <b>Housing Market Area:</b> For each demographic listed; provide the percentage of individuals that reside in the Development's housing market area (where the applicants to the Development are expected to be drawn from). Demographic data for this area will also be obtained by reviewing the applicable census data.</li> <li>• <b>Expanded Housing Market Area:</b> (if applicable) For each demographic listed, provide the percentage of individuals that reside in the Development's expanded housing</li> </ul>

	market area (the larger region from which to pull applicants if the housing market area is insufficient). The expanded housing market area must be used if the standard housing market area is not sufficiently diverse enough to attract demographic groups who may be considered least likely to apply without special outreach.
3b.	Utilizing the data compiled on Worksheet #1, select the demographics that would be considered 'least likely to apply' without special outreach. To determine which demographics are considered 'least likely to apply' without special outreach, compare the Development residents and applicant data to the Census Tract and Housing Market Area. If the Development's residents and applicant percentages are less than the percentage noted in the Census Tract and Housing Market Area, the demographic requires additional outreach and should be selected.
4a.	Indicate if the Development is requesting or has been previously approved for a geographic residency preference. In most cases, this will not be applicable. However, if it is, the Owner/Agent should complete Worksheet #2. [Reference: AFHMP, Page 7, Part 4]
4b.	<p>Complete and submit Worksheet #3 to describe your use of community contacts to market the Development to those that are determined to be least likely to apply without special outreach.</p> <ul style="list-style-type: none"> <li>• <b>Targeted Population:</b> In each box, identify the demographic that was determined to be least likely to apply as specified in 3b of the AFHMP.</li> <li>• <b>Community Contacts:</b> Provide a list of specific community contacts that will be utilized to market to those demographics that are determined to be least likely to apply. Each contact should contain the following information: <ul style="list-style-type: none"> <li>○ Agency Name,</li> <li>○ Contact person and position or title,</li> <li>○ Address, Phone number, email address,</li> <li>○ Explain the agency's experience with the targeted population,</li> <li>○ Explain the how the agency will market vacancies at the Development, <i>and</i></li> <li>○ Provide an anticipated date that the efforts will begin.</li> </ul> </li> </ul>
4c.	<p>Complete and submit Worksheet #4 to describe your proposed methods of advertising that will be used to market to those least likely to apply. Attach copies of advertisements, radio and television scripts, Internet advertisements, websites, and brochures, etc.</p> <ul style="list-style-type: none"> <li>• <b>Method of Advertising:</b> State the means of advertising that you will use as applicable to that demographic and the reason for choosing this media. In each block, specify the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.).</li> <li>• <b>Targeted Population:</b> For each method of advertising, list the targeted demographic, state any language(s) in which the material will be provided, identify any alternative format(s) to be used (e.g. Braille, large print, etc.), and specify the logo(s) (as well as size) that will appear on the various materials.</li> </ul>
5a.	Check the location(s) where the HUD Fair Housing Poster will be displayed.
5b.	Check the location(s) where the AFHMP will be made available.

5c.	Check the location(s) where the Development sign will be displayed. Submit a photo of the sign and identify the size of the logo, slogan or statement.
6.	Explain the evaluation process you will use to determine whether your marketing activities have been successful in attracting individuals identified as least likely to apply, how often you will make this determination (annually unless plan is approved by RD or HUD), and how you will make decisions about future marketing based on the evaluation process.
7a.	Identify who is responsible for the Development's marketing efforts and their position.
7b.	Complete the staff training and assessment section. While one person may be responsible for all marketing efforts, all staff must be trained and should be familiar with the AFHMP and the Fair Housing Act requirements. Training will play an important role in determining if 'Good Faith Efforts' are being made to implement the AFHMP.
7c.	Complete the Tenant Selection Training section. Training will play an important role in determining if 'Good Faith Efforts' are being made to implement the AFHMP.
7d.	Identify any training pertaining to the AFHMP or Fair Housing Act that staff has taken or intends to take. Provide documentation indicating staff that has or will attend the training, content of the training, and the dates. Please include copies of any AFHMP/Fair Housing staff training materials.
8.	Identify any other considerations that should be noted regarding the Developments marketing activities.
9.	Sign and date the AFHMP.

## **Frequently Asked Questions**

### **Q: Which AFHMP do I complete for my Development?**

A: Most Developments under the AHFC's GOAL program will complete the form HUD 935.2A for Multi Family. If your Development is considered to be a single-family development, you will need to complete a 935.2B.

### **Q: Does HUD or USDA Rural Development have to approve my AFHMP?**

A: No. AHFC does not require the AFHMP to be approved by HUD or USDA Rural Development. However, if a Development does have an approved AFHMP it may be included as part of Owner/Agent submission to AHFC's Notice Letter. A second plan does not need to be created.

### **Q: How often do I need to update my AFHMP?**

A: The AFHMP will need to be reviewed and completed annually unless it is approved by HUD or USDA Rural Development. An AFHMP that has been approved by HUD or USDA Rural Development is good for five years and only needs to be reviewed if significant demographic changes have occurred in the housing market area.

### **Q: I did not receive federal funding from AHFC. Do I need to complete an AFHMP?**

A: Yes. AHFC requires all Developments who receive funding under the GOAL program to develop and maintain an AFHMP.

**Q: Where can I find a blank copy of the current AFHMP?**

A: HUD publishes the most current copies of the AFHMP on the HUD Exchange. Current copies of HUD forms can be found here:

[https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud9a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud9a)

**Q: How do I obtain the Census Tract Data for the AFHMP?**

A: Census tract data can be found on the United States Census Bureau website: <https://data.census.gov/cedsci/>.

The Census Bureau offers a variety of training through the Census Academy. The Academy can be used to learn the site and assist in gathering the required data. Visit <https://www.census.gov/data/academy.html>.

**Q: How can I obtain Fair Housing Training?**

A: AHFC offers classes, continuing education credits, and certification exams for housing professionals. To view the current classes offered by AHFC visit: <https://www.ahfc.us/pros/builders/professional-classes>.

Other organizations that offer Fair Housing and AFHMP Training include, but are not limited to:

- National Center for Housing Management (NCHM) - <https://www.nchm.org/>
- Zeffert & Associates - <https://zeffert.com/>
- E&A Teams - <https://eandateam.com/>
- HUD Exchange - <https://www.hudexchange.info/trainings/>
- Spectrum Seminars - <https://spectrumseminars.com/>
- Nan McKay - <https://www.nanmckay.com/>

Training may be obtained through many different organizations. Training often times can be completed in person or online.