

---

CHAPTER 2. THE AFFIRMATIVE FAIR HOUSING  
MARKETING PLAN AND PROCEDURES

SECTION 1: INTRODUCTION

- 2-1. INTRODUCTION. This Chapter discusses the purpose, format and content of the AFHM Plan; the type of applicant required to submit the Plan, and, for each applicable housing program, the procedures for the preparation of the AFHM Plan. The Chapter also discusses the AFHM procedures required of applicants for programs such as HOME which do not require the submission of a formal Plan.

SECTION 2: THE AFHM PLAN

- 2-2. PURPOSE OF THE AFHM PLAN. The Affirmative Fair Housing Marketing Plan is a marketing strategy designed to attract buyers and renters of all majority and minority groups, regardless of sex, handicap and familial status to assisted and insured rental projects and sales dwellings which are being marketed by an applicant. It describes initial advertising, outreach (community contacts) and other marketing activities which inform potential buyers and renters of the existence of the units. The AFHM Plan remains in force throughout the life of a multifamily project mortgage and/or the period for which HUD subsidy is provided. For single-family dwellings located in subdivisions of five or more units, the Plan remains in effect until all the dwelling units are sold. No applications for mortgage insurance or subsidy under the applicable HUD-assisted programs may be funded without an approved Plan. Upon approval of the Plan by the HUD Regional or Field Office, applicants are required to make good faith efforts to carry out the provisions of the Plan. In formulating the Affirmative Marketing Program, the applicant must do the following:
- A. Targeting. Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts.
  - B. 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.

- 
- C. Indicators. State the indicators to be used to measure the success of the marketing program.
- D. Staff Training. Demonstrate the capacity to provide training and information on fair housing laws and objectives to sales or rental staff.
- 2-3. WHO SUBMITS A PLAN. The following types of applicants are required to submit an AFHM Plan or VAMA certification:
- A. All applicants for subsidized and unsubsidized multifamily projects, mobile home parks and single-family subdivisions of five or more units, spaces or lots (24 CFR 200.610) which are funded or insured under any of the programs listed in Appendix 5. Each applicant in this category submits one Plan for each project. Each Plan should address the particular locational situation of the project. For example, the location of a project in a given housing market area affects the decision as to what segments of the eligible population, e.g., racial or ethnic groups, families with children, the elderly or the disabled are considered least likely to apply without special outreach efforts.
- B. Builders of individual single family units, i.e., scattered lot builders whose accumulated conditional commitments for FHA mortgage insurance/Direct Endorsement Statements of Appraised Value for the previous twelve months have amounted to five units or more.
- C. Builders of subdivisions consisting of five or more units, parts of which have already been built and sold. The Plan would be submitted for the part that had not yet been built or sold.
- D. Non-HUD Single-Family Programs. Builders of subdivisions of five or more units constructed under the single-family programs of the Farmers Home Administration or the Department of Veterans Affairs who subsequently offer HUD mortgage insurance on five or more units.

- 
- 2-4. PLAN SUBMISSION DEADLINES. The AFHM Plan is a submission required as part of the application for participation in

certain housing programs (See Appendix 7). The stage at which the Plan is submitted to the Field Office varies by housing program.

- A. Insured Single-Family Dwellings. The AFHM Plan is submitted with the Environmental Review Letter request. It is to be approved prior to the issuance of an Environmental Review Letter. However, for very large subdivisions expected to be marketed over a period of years, the AFHM Plan submitted with the application for an Environmental Review Letter may cover the marketing of the first section of the subdivision. The subdivision report shall stipulate that for all subsequent sections of the subdivision, the applicant must submit a separate Plan for approval.
- B. Insured Unsubsidized Rental Projects. The AFHM Plan is submitted with the application for a conditional commitment.
- C. Rental Projects Subsidized Under the Section 8 Housing Assistance Payments Program.
  - 1. Special Allocations. For projects assisted under the Additional Assistance Programs for Projects with HUD-Held and HUD-Insured Mortgages (24 CFR Part 886, Subpart A) the applicant submits a Plan as part of the application. With respect to the Section 8 Program for the Disposition of HUD-Owned projects (24 CFR Part 886, Subpart C) the AFHM Plan is submitted with the applicant's response to a proposed sale of a HUD-acquired project or group of five or more single family units.
  - 2. Projects Financed Under Section 202 of the Housing Act of 1959 (Elderly/Handicapped). The AFHM Plan for projects with loan reservations made prior to Fiscal Year 1991 is submitted with the final proposal.
  - 3. Projects Financed Under Section 515 of the Housing Act of 1949 by the Farmers Home Administration Section 8 Set-Aside. The AFHM Plan is submitted with the letter of application.

- 
- D. Applications for Funding under the Supportive Housing for Persons with Disabilities Program authorized under Section 811 of the NAHA and the Supportive Housing for

the Elderly Program Authorized Under Section 801 of the NAHA. The Plan is submitted by all applicants for the programs at the time of conditional commitment. The applicant is also required to certify that it will comply with the AFHM Regulation at 24 CFR 200.600 (Subpart M) when it submits its application for a fund reservation.

- 2-5. THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN (FORM HUD-935.2). The Affirmative Fair Housing Marketing Plan Regulations (24 CFR 200.625) require each applicant to describe the AFHM Program on Form HUD-935.2, Affirmative Fair Housing Marketing Plan (Appendix 7). Paragraph 4-5D. lists materials that support the proposed program which owners must submit to the HUD Field Office along with the AFHM Plan, e.g., photographs of site signs, proposed newspaper advertisements, etc. The form must be filled out completely and signed by an authorized official of the sponsoring organization. In developing the Plan, the applicant may utilize the Field Office, civil rights organizations or CHRBS as sources of information and technical assistance.
- 2-6. DESCRIPTION OF THE APPLICANT AND THE PROJECT (PART 1 OF THE PLAN). The applicant must provide the following information:
- A. Name and address of both the applicant and proposed project.
  - B. Number of units and the application number.
  - C. Price or rent range of units.
  - D. Census Tract or Enumeration District number in which the project or subdivision will be located.
  - E. For multifamily rental units only, the household types to be served by the project, e.g., elderly, non-elderly, disabled.

- 
- F. The approximate starting dates for advertising to target groups and initial occupancy (For further discussion of initiation of marketing activities, see paragraph 4-4.). Advertising and outreach to those organizations and individuals identified as least likely to apply must begin in accordance with applicable program requirements.

G. Name of Managing/Sales Agent, if identified.

2-7. TYPE OF AFFIRMATIVE MARKETING PLAN (PART 2). The applicant should indicate in Part 2 of the Form whether the Plan is to be a Project Plan or an Annual Plan for a scattered site builder.

A. Project Plan. A Project Plan is submitted for a particular multifamily project or subdivision located on a single site.

B. Annual Plan. The Annual Plan covers all activity to be performed in the ensuing 12-month period. The builder applies for only one conditional commitment at a time and the location and exact number of units are not determined at the time the Plan is submitted.

NOTE: In most instances, the Annual Plan, regardless of type, should cover activities within a single housing market area. A housing market area can be defined in terms of all parts of the locality in which the project is located or the county in which it is located. In rural areas, the Plan also may cover activities in more than one county. Technical guidance may be sought from the FHEO POD/FOD if the applicant has a question as to what geographic area might constitute the housing market area for units being developed. (See Paragraph 1-7E. for a definition of the term "housing market area" and Chapter 3 for more detailed information on this type of technical assistance.)

C. Scattered Sites. Scattered sites should be grouped and marketed according to the racial and ethnic composition of the census tracts in which they are located. For example, if 50 out of 100 proposed scattered site units are located in a census tract that is predominantly minority, 25 more are to be in a racially-mixed tract

---

and the remainder in non-minority tracts, separate marketing programs must be submitted for each group of units. The applicant should then indicate the types of census tracts or other areas with similar racial/ethnic populations for which each Annual Plan applies by checking the appropriate category: Minority Area, White (Non-minority) Area, or Mixed Area.

2-8. DIRECTION OF MARKETING ACTIVITY (PART 3 OF THE PLAN). The applicant shall identify the groups that are least likely to apply for housing. For these groups, special outreach is required to inform them of the upcoming housing opportunities. If the applicant believes that no single group will need special outreach, the applicant shall indicate in the Plan and explain the reasons for such determination. Appendix 8 contains illustrations of several common situations which confront applicants in the process of identifying target groups. In determining which groups may require special outreach, the applicant should consider the following factors:

A. Practices or Policies of Discrimination. The existence in that housing market area of practices or policies of discrimination on the basis of race, color, creed, religion, sex, handicap, familial status or national origin which historically have affected the ability of members of particular groups to obtain the housing of their choice. These practices or policies can include:

1. Exclusionary zoning practices which may have limited the construction of housing for lower income families;
2. Rental, sales, advertising, lending, appraisal and other practices which may have resulted in discrimination on the basis of race, color, creed, sex, handicap, familial status or national origin;
3. Site selection policies which may have led to the creation of areas excessively impacted by minority or lower-income families and by assisted housing; and

- 
4. Lack of attention to or enforcement of State or local guidelines relating to ensuring accessibility of housing units to disabled persons.

Information on these practices may be found in court decisions, compliance findings, analyses of impediments to fair housing prepared by CDBG Entitlement recipients; CHAS submissions, especially in the discussion of relevant public policies which affect the development of affordable housing; newspaper articles or other sources which illustrate fact patterns relating to these practices.

- B. Language Barriers. Any known facts about the effects of the language barrier upon potential renters/buyers whose native language is not English. Examples of such homeseekers include Hispanics, Vietnamese, Russians, or hearing-impaired individuals who use sign language to communicate.
- C. Racial/Ethnic Composition. The racial/ethnic composition of defined geographic areas and projects of comparable size within the housing market area. The information listed below may be found in U.S. Census Reports or occupancy reports in the HUD Field Office. The applicant should consider such factors as:
1. The neighborhood (census tract) in which the project is (or will be) located;
  2. The occupancy profiles and waiting list composition of other projects in the housing market area funded under the particular program for which the applicant is applying;
  3. In instances in which the project is to be brought into the Section 8 Additional Assistance Program or Loan Management Set-Aside, present occupants and persons on the waiting list for the project for which the AFHM Plan is being submitted; and
  4. Information on the income eligible population of the jurisdiction or of the housing market area, including racial/ethnic group members, households

---

headed by single persons (gender of head of household), persons with disabilities, the elderly, families with children and those persons identified as expected to reside in the jurisdiction.

- D. Income Eligibility Requirements Vary According to Each Program. The statutory and regulatory requirements affect the selection of tenants/purchasers from the segments of the eligible population that might be targeted for special outreach and the marketing techniques to be used in attracting such persons to the housing.
- E. Marketing to Individuals with Handicaps. In most instances, individuals with handicaps are not likely

to apply for the housing without special outreach activities, because such persons may not "apply" for housing units especially reserved for them without special assistance. The AFHM Plan should include resources that have disabled persons of all racial/ethnic groups on lists of potential referrals. Such resources include social service agencies, hospitals or disabled organizations. The applicant, in planning its outreach activities to disabled persons, should also consider:

1. Whether the building is a newly constructed one which must conform to the design provisions of the Fair Housing Act and the accessibility provisions of Section 504 of the Rehabilitation Act of 1973, as amended;
2. How it plans to explain its policies on permitting reasonable modifications of the unit by the tenant; and
3. Its policies with respect to reasonable accommodations in rules, policies, practices and services.

---

2-9. THE MARKETING PROGRAM (PART 4 OF THE PLAN).

- A. Basic Principles. The applicant shall describe the marketing program and outline the methods to be used in marketing to all segments of the eligible population. The program must include special outreach steps which will be taken to attract the groups identified in Part 4 of the Plan as persons least likely to apply for housing. When the applicant can produce a certification of being an active participant in a recognized VAMA, the VAMA's program may be substituted for this section.
- B. Commercial Media (Part 4A of the Plan). The applicant must indicate the commercial media to be used to advertise the availability of the housing, in particular, the commercial media that are customarily used by the applicant, including minority publications, publications targeted toward disabled persons, and other outlets which are available in the housing market area. If the applicant does not intend to use any commercial media, the Plan should indicate the reasons for not using such media. All advertising should be



consistent with the Fair Housing Advertising Regulations (24 CFR 109) and the Fair Housing Act Regulations at 24 CFR 100.75. (See Appendix 9 for examples of use of commercial media.)

1. Type of Media. The applicant should indicate the type of media to be used, including:
  - a. Newspapers of general circulation;
  - b. Radio and/or television stations; and
  - c. Other types of media including publications of limited circulation such as neighborhood-oriented weekly newspapers, religious publications and publications of local real estate industry groups.
2. Information Regarding the Media Selected. For each of the media identified, the applicant indicates:

- a. the name of the media (e.g., Daily Press, WPKA Radio, Channel 5 TV).
  - b. the type (e.g., classified, display) and size of newspaper advertising and the initial date and frequency of its appearance. If copies of such advertising are available, the applicant shall submit them to the Field Office FHEO Division with the Plan. If no copies are available at the time the Plan is being prepared, the applicant shall submit them as soon as possible after the Plan has been approved;
  - c. the frequency and length of any radio and/or television advertising; and
  - d. the identity of the racial/ethnic groups within the audience or readership of the commercial media to be used.
3. Use of Minority-Owned Media. Applicants are encouraged to use minority-owned media as part of their overall marketing program to publicize the housing to all segments of the eligible population within the housing market area. Where Blacks,

Hispanics, and other racial/ethnic minority groups have been identified as special outreach groups, minority-owned media may be a particularly effective outreach mechanism. Whenever such groups are not being specifically targeted for special outreach efforts, the use of minority-owned media is recommended as part of the outreach to the general population. In such cases the applicant may consider factors such as data on the racial/ethnic composition of the majority-owned media's readership or audience, and the applicant's past experience in utilizing such media.

- C. Brochures, Signs and the HUD Fair Housing Poster (Part 4B of the Plan). Brochures, signs and the HUD Fair Housing Poster are to be integral parts of any successful affirmative marketing effort.

---

4/93

2-10

---

8025.1 REV-2

---

Brochures. The applicant should consider using brochures as part of the total marketing program. Brochures can be tailored to meet the specific housing needs of those persons who are members of groups identified as least likely to apply for the housing. The brochure can also contain a greater quantity of information about the project or subdivision than that contained in the "mass" media advertising (e.g., newspapers, radio or television).

- a. A brochure may include a range of information which influences decisions regarding housing choice, e.g., price/rent; proximity to schools, transportation, shopping and employment centers; the availability of public services and recreational facilities both within the project and in the surrounding community; the availability of medical facilities for disabled persons; the accessibility of the project as a whole and the percentage of accessible units designed for persons with disabilities, as well as the degree to which the project is willing to make reasonable accommodation for disabled persons to ensure an equal opportunity to enjoy the privileges of living in the project or subdivision.
- b. The brochures should communicate the

applicant's equal housing opportunity policy. The brochure shall be consistent with the Fair Housing Advertising Guidelines, including display of the Equal Housing Opportunity Logotype and slogan; use of words, phrases and photographs; and human models.

- c. The brochure should where appropriate also contain information on the applicant's policy toward families with children and whether or not the project or condominium development is reserved for persons 55 years old and above or 62 years old and above as well as the project management promising that it will not discriminate against eligible families with children.

- d. The brochure should be distributed through the community contacts named in Part 5C of the Plan (See Paragraph 2-9D.), mailed to groups identified as least likely to apply, or kept in rental or sales offices for distribution to visitors.
2. Signs. The applicant must indicate the size of any existing or proposed permanent project site sign. The sign must include the Equal Housing Opportunity Logotype, and indicate the size of the logotype. A photograph of the project sign must be submitted with the AFHM Plan, or as soon as possible after erection of the sign.
  3. Fair Housing Poster. HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. The applicant must indicate whether the poster will be displayed in the sales/rental office(s), the real estate office(s), model units and/or any other places.
- D. Community Contacts (Part 4C of the Plan). Community contacts can supplement formal communications media for the purpose of soliciting tenants and buyers. They should be individuals or organizations that have direct and frequent contact with those groups identified in Part 4 of the Plan as least likely to apply. The contacts should also be chosen on the basis of their positions of influence within the general community and

the particular target group.

1. Examples of suitable community contacts include:

- a. Fair housing organizations and local nonprofit housing associations, housing counseling agencies, regional tenant referral services;
- b. Minority organizations, for example, League of United Latin American Citizens (LULAC), National Association for the Advancement of Colored People (NAACP), Urban League, women's organizations, civil rights groups, editors of majority owned and minority-owned newspapers;

---

4/93

2-12

---

8025.1 REV-2

---

- c. Local government agencies which are in a position to make referrals of potential homeseekers to the project or subdivision;
  - d. Real estate industry related groups such as local real estate boards and Community Housing Resource Boards (CHRBs) organized pursuant to HUD Voluntary Agreements with the National Association of Realtors and the National Association of Real Estate Brokers;
  - e. Local employment security offices, employment centers, including large industrial and commercial employers, labor unions, hospitals and educational institutions;
  - f. Organizations which advocate for individuals with disabilities or address issues relating to the housing needs of such individuals; and
  - g. Organizations which advocate for families with children or address issues relating to housing needs of such families.
2. In Part 5C of the Plan, the applicant shall give the following information about the community contacts:
- a. Name of the organization or individual;
  - b. The protected class identification of the group or individual;

- c. The approximate date the group or individuals are to be contacted. This date should be consistent with the requirements for advance marketing to those persons least likely to apply, where applicable;
- d. The address and telephone number of the person to be contacted;

- e. Methods of contact, e.g., community meetings, briefing sessions by the applicant and community organizations, brochures, walking or bus tours of the proposed housing, radio talk shows; and

- f. The specific functions the group will perform.

2-10. FUTURE MARKETING ACTIVITIES FOR MULTIFAMILY RENTAL UNITS ONLY (PART 5 OF THE PLAN). The applicant must describe in this part the types of activities to be undertaken after the completion of initial occupancy of rental units in order to fill vacancies resulting from normal turnover. These activities shall be consistent with the provisions of the Fair Housing Act, Executive Order 11063 and the AFHM Regulations.

A. AFHM Plan Modification. The applicant may undertake the same marketing activities which were performed during the initial occupancy period or may propose modifications to the Plan for HUD approval. In order to continue a marketing approach that is consistent with AFHM objectives, a modified Plan may reflect a reduced level of marketing activity as units are available only through turnover, as well as changes in the media, community contacts or procedures.

B. Post-Initial Rent-up Activities. Examples of marketing activities which may be performed following the initial rent-up period are:

- 1. The use of media advertising which might be targeted to the same groups previously identified as least likely to apply for the housing without special outreach, or to different groups chosen on the basis of the changing demographic makeup of the neighborhood surrounding the project or other factors not related to the composition of the applicant pool or tenant population. The media

advertising can be similar in content and format to that used during the initial rent-up period or can be changed by adjusting the scale of the advertising program.

---

4/93

2-14

---

8025.1 REV-2

---

2. The applicant may use brochures and/or site signs to publicize the project after initial rent-up has been completed. The applicant may elect to eliminate community contacts altogether, periodically contact the community-based organizations previously cited in the AFHM Plan or use contacts such as employers, religious institutions, local businesses, civic groups, local government or individual community leaders as distributors of brochures or as information sources about the project. Participation in regional tenant referral clearinghouses operated by local real estate industry groups, Public Housing Authorities (PHAs) or fair housing groups or public agencies is also encouraged. Such services match prospective homeseekers with vacant units of suitable size or price.
- C. Accessibility. Some applicants are required to bring their older buildings into compliance with the Department's Accessibility Guidelines (24 CFR Part 40) and other programmatic requirements pertaining to accessibility for individuals with disabilities, e.g., Section 504 of the Rehabilitation Act of 1973, as amended. Upon completion of such renovations, the applicant should amend the project's AFHM Plan to reflect the undertaking of special outreach activities designed to:
1. Inform individuals with disabilities about the accessible units and about all reasonable accommodations that the applicant either has already made or will make for such individuals; and
  2. Encourage such persons to apply for those units.
- D. Families with Children. An applicant must implement a policy of nondiscrimination with respect to families with children and conduct marketing activities intended to attract such families to the project or subdivision, if it is not exempt from the provisions of the Fair Housing Act pertaining to housing for older persons.

---

8025.1 REV-2

---

- 2-11. ASSESSMENT OF MARKETING EFFORTS. The applicant may describe the means by which it will assess the effectiveness of various components of the AFHM Plan such as the advertising methods and the outreach activities targeted toward the groups identified as least likely to apply or the use of community contacts. Indicators such as the anticipated racial/ethnic composition of the tenant population or applicant pool are not to be used as indicators of effectiveness of an AFHM Plan under any circumstances. The applicant is encouraged to use indicators based on good faith efforts, including the number of referrals by community organizations; the number of visits to the site or walk-ins due to outreach or advertising; or the representation of persons identified as least likely to apply as part of the potential buyer or renter group in comparison to the percentage of that group within the housing market area.
- 2-12. RESIDENCY PREFERENCES. The regulations of a number of HUD-assisted housing programs explicitly prohibit provisions which mandate that all the tenants of funded projects be residents of the community in which the project is located. Residency preferences are permitted by regulation for a number of HUD-assisted programs, including the Section 8 New Construction and Substantial Rehabilitation programs, the Section 202 Housing for the Elderly Program, the Housing Development Grant Program, and other HUD-assisted programs, as long as the preference is deemed consistent with the objectives of the AFHM Regulations and the AFHM Plan. Where used, residency preferences must operate in such a manner that housing opportunities will not be denied to any particular group, especially to those groups identified as least likely to apply.
- A. Permission from the Field Office. The applicant shall request from the Field Office permission to implement a residency preference. In formulating such a request, the applicant should calculate the size of the potential population of households eligible for the proposed housing by using the demographic

---

characteristics of the area in which the project or subdivision is to be located, including the racial/ethnic composition of the neighborhood, jurisdiction and/or the housing market area. Where applicable under program regulations, the applicant should also include in the calculation those families expected to reside in the jurisdiction because of present or planned employment.

- B. Determining the Size of the Preference. After completing the calculation of the size of the potential eligible applicant population by race/ethnicity, the applicant should then compare the figures for the area surrounding the project and the entire housing market area. This comparison helps the applicant determine whether the eligible population within the locality is of sufficient size to: (1) warrant the conduct of affirmative marketing only within the project jurisdiction, and (2) grant the preference to all of the project's units or subdivision's houses. If the eligible population living within the jurisdiction is not enough to warrant a one hundred percent preference, the applicant should propose that special outreach be conducted throughout the housing market area and a partial preference be granted by the Department.
- C. Data Sources. In formulating the request for a residency preference, the applicant may use data on the housing assistance needs of particular segments of the eligible population contained in the locality's Comprehensive Housing Affordability Strategy, the Census Bureau's Census of Population and Housing reports which gives statistics of Metropolitan Statistical Areas (MSA) by race, or other locally compiled data sources.

- 2-13. STAFF EXPERIENCE AND INSTRUCTIONS FOR FAIR HOUSING TRAINING (PART 6 OF THE PLAN). The successful implementation of any affirmative marketing program depends in great measure upon the sensitivity of management and sales staff to the importance of conducting the marketing program in a nondiscriminatory manner. The proposed Plan should include the following material on staff training and experience:



- 
- A. Experience. The applicant shall indicate whether it has had any experience in marketing housing to the group(s) identified as least likely to apply.
  - B. Applicant's Training Responsibilities. Applicants are responsible for instructing all employees and agents in writing and orally concerning nondiscrimination in housing. Each applicant should clearly identify the requirements of applicable local, state and Federal fair housing laws and executive orders which staff must follow. Paragraph 3-11 states the specific civil rights laws and authorities on which sales and management staff should be trained. Instructions regarding fair housing requirements and objectives should also be a continuing part of the agenda of staff meetings or other activities carried out for sales and rental staff.
  - C. Submission of Material. The applicant shall submit as part of the Plan a copy of the instructions given to sub-management staff on fair housing concerns such as federal, state or local fair housing laws and the applicant's Affirmative Fair Housing Marketing Plan. The material shall also indicate the date established for conducting such training and the name and title of the person responsible for developing the fair housing training program.

- 2-14. SIGNATURE. An authorized official of the sponsoring organization shall sign the Plan. By signing the Plan, the applicant agrees to make any changes which may be required to assure continued compliance with the AFHM Regulations (24 CFR 200.620). The agreement to make changes is also applicable to Plans covering rental projects during the life of the mortgage. With respect to single-family subdivisions, the applicant may request changes to the Plan only during the initial sales period.

SECTION 3: AFHM SUBMISSIONS IN PROGRAMS NOT REQUIRING  
SUBMISSION OF AN AFHM PLAN

- 2-15. PROGRAMS NOT REQUIRING THE SUBMISSION OF THE PLAN. Appendix 5 lists several programs which require the preparation and/or submission of AFHM procedures by their applicants. The purpose of this section is to describe these procedures and the responsibilities of the applicant for their implementation.

2-16. HOME INVESTMENT PARTNERSHIPS PROGRAM. The HOME Investment Partnerships Program provides funds by formula for acquisition, rehabilitation and new construction of affordable housing and tenant based rental assistance.

A. Participating Jurisdictions (PJ). Section 92.351 of the Regulation requires each PJ to adopt affirmative marketing procedures and requirements applicable to projects of five or more HOME assisted units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons from all racial, ethnic, and gender groups in the housing market area to the available housing. The PJ also annually assesses its affirmative marketing program to determine the success of affirmative marketing actions and any necessary corrective actions. These procedures are not to apply to families with housing assistance provided by the PHA or families with HOME-funded tenant-based rental assistance. The affirmative marketing requirements and procedures adopted by the PJ must include the following:

1. Methods for informing the public, owners and potential tenants about federal fair housing laws; the PJ's affirmative marketing procedures and requirements;
2. Requirements which owners must adhere to in order to carry out the PJ's AFHM procedures and requirements;
3. Procedures to be used by owners to inform and solicit applications from those persons identified as least likely to apply without special outreach;
4. Records describing actions taken by the PJ and by owners to affirmatively market units and records to assess the results of these actions; and
5. A description of the means the PJ will use to assess the success of these procedures and what corrective actions will be taken where affirmative marketing requirements are not met.
6. The PJ is also required to keep records indicating its AFHM procedures and requirements.

FHEO Notice 92-4, Guidance for FHEO Review of HOME Investment Partnerships Program Descriptions contains the specific requirements for each of the criteria outlined above.

B. States. In addition to adopting affirmative marketing procedures as described above, States distributing HOME funds to units of general local government must require each local government to adopt affirmative marketing procedures and requirements that meet the requirements of 24 CFR 92.351. States must indicate:

1. The actions that the units of general local government must take to meet the affirmative marketing objectives;
2. The records and reports it will require of subrecipients; and
3. How States will assess the results of the unit of general local government's affirmative marketing efforts.

2-17. HOMEOWNERSHIP OPPORTUNITIES FOR PEOPLE EVERYWHERE (HOPE). The Notices of Program Guidelines for HOPE 1 (Homeownership for Public and Indian Housing Units), HOPE 2 (Homeownership for Multifamily Units) and HOPE 3 (Homeownership for Single Family Units) dated January 14, 1992 all require applicants for Implementation Grants under these programs to submit a strategy for identifying and selecting eligible families to participate in the homeownership program. The strategy shall:

- A. Describe activities planned to carry out the applicant's affirmative marketing responsibilities that apply whenever homeownership opportunities are made available to other than current residents of the property; and
- B. Describe the applicant's affirmative fair housing marketing activities, including the specific steps to inform potential applicants and solicit applications from eligible families in the housing market area who are considered least likely to apply for the program without special outreach.

- 2-18. SPECIAL NEEDS ASSISTANCE PROGRAMS FOR THE HOMELESS. Applicants for Special Needs Assistance Programs administered by the Office of Community Planning and Development must make known that use of facilities and services is available on a nondiscriminatory basis. When the procedures that a recipient intends to use to make known the availability of such facilities and services are unlikely to reach persons of any particular race, color, religion, sex, handicap status, familial status or national origin who may qualify for such services or facilities, the recipient or grantee must establish additional procedures that will ensure that:
- A. These persons are made aware of the facilities and services; and
  - B. Interested persons can obtain information on facilities and services that are accessible to handicapped persons. Appendix 6 lists the Special Needs programs to which these provisions apply.