



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

PRESENT

AFFIRMATIVELY FURTHERING FAIR HOUSING  
AND  
AFFIRMATIVE FAIR HOUSING MARKETING PLANS

WEDNESDAY, JUNE 22, 2016

THE WANAMAKER BUILDING  
100 PENN SQUARE EAST, 10<sup>TH</sup> FLOOR  
PHILADELPHIA, PA 19107





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Note to all applicants/respondents: This form was developed with Nuance, the official HUD software for the creation of HUD forms. HUD has made available instructions for downloading a free installation of a Nuance reader that allows the user to fill-in and save this form in Nuance. Please see <http://portal.hud.gov/hudportal/documents/huddoc?id=nuancereaderinstall.pdf> for the instructions. Using Nuance software is the only means of completing this form.

**Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing**

U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0013  
(exp. 12/31/2016)

<b>1a. Project Name &amp; Address (including City, County, State &amp; Zip Code)</b> <div style="border: 1px solid black; height: 100px;"></div>	<b>1b. Project Contract Number</b> <div style="border: 1px solid black; height: 20px;"></div>	<b>1c. No. of Units</b> <div style="border: 1px solid black; height: 20px;"></div>
	<b>1d. Census Tract</b> <div style="border: 1px solid black; height: 20px;"></div>	
	<b>1e. Housing/Expanded Housing Market Area</b> Housing Market Area: Expanded Housing Market Area:	
	<div style="border: 1px solid black; height: 40px;"></div>	

**1f. Managing Agent Name, Address (including City, County, State & Zip Code), Telephone Number & Email Address**

**1g. Application/Owner/Developer Name, Address (including City, County, State & Zip Code), Telephone Number & Email Address**

**1h. Entity Responsible for Marketing (check all that apply)**

Owner   
  Agent   
  Other (specify)

Position, Name (if known), Address (including City, County, State & Zip Code), Telephone Number & Email Address

**1i. To whom should approval and other correspondence concerning this AFHMP be sent? Indicate Name, Address (including City, State & Zip Code), Telephone Number & E-Mail Address.**

**2a. Affirmative Fair Housing Marketing Plan**

Plan Type Please Select Plan Type    Date of the First Approved AFHMP:  

Reason(s) for current update:

**2b. HUD-Approved Occupancy of the Project (check all that apply)**

Elderly   
  Family   
  Mixed (Elderly/Disabled)   
  Disabled

**2c. Date of Initial Occupancy**

**2d. Advertising Start Date**

Advertising must begin *at least* 90 days prior to initial or renewed occupancy for new construction and substantial rehabilitation projects.

Date advertising began or will begin  

**For existing projects, select below the reason advertising will be used:**

To fill existing unit vacancies

To place applicants on a waiting list  (which currently has   individuals)

To reopen a closed waiting list  (which currently has   individuals)

**3a. Demographics of Project and Housing Market Area**  
Complete and submit Worksheet 1.

**3b. Targeted Marketing Activity**

Based on your completed Worksheet 1, indicate which demographic group(s) in the housing market area is/are *least* likely to apply for the housing without special outreach efforts. (check all that apply)

- White       American Indian or Alaska Native       Asian       Black or African American  
 Native Hawaiian or Other Pacific Islander       Hispanic or Latino       Persons with Disabilities  
 Families with Children       Other ethnic group, religion, etc. (specify)

**4a. Residency Preference**

Is the owner requesting a residency preference? If yes, complete questions 1 through 5.   
If no, proceed to Block 4b.

(1) Type

(2) Is the residency preference area:  
The same as the AFHMP housing/expanded housing market area as identified in Block 1e?

The same as the residency preference area of the local PHA in whose jurisdiction the project is located?

(3) What is the geographic area for the residency preference?

(4) What is the reason for having a residency preference?

(5) How do you plan to periodically evaluate your residency preference to ensure that it is in accordance with the non-discrimination and equal opportunity requirements in 24 CFR 5.105(a)?

Complete and submit Worksheet 2 when requesting a residency preference (see also 24 CFR 5.655(c)(1)) for residency preference requirements. The requirements in 24 CFR 5.655(c)(1) will be used by HUD as guidelines for evaluating residency preferences consistent with the applicable HUD program requirements. See also HUD Occupancy Handbook (4350.3) Chapter 4, Section 4.6 for additional guidance on preferences.

**4b. Proposed Marketing Activities: Community Contacts**  
Complete and submit Worksheet 3 to describe your use of community contacts to market the project to those least likely to apply.

**4c. Proposed Marketing Activities: Methods of Advertising**  
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.

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**5a. 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)). Check below all locations where the Poster will be displayed.

Rental Office     Real Estate Office     Model Unit     Other (specify)

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**5b. Affirmative Fair Housing Marketing Plan**

The AFHMP must be available for public inspection at the sales or rental office (24 CFR 200.625). Check below all locations where the AFHMP will be made available.

Rental Office     Real Estate Office     Model Unit     Other (specify)

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**5c. Project Site Sign**

Project Site Signs, if any, must display in a conspicuous position the HUD approved Equal Housing Opportunity logo, slogan, or statement (24 CFR 200.620(f)). Check below all locations where the Project Site Sign will be displayed. Please submit photos of Project signs.

Rental Office     Real Estate Office     Model Unit     Entrance to Project     Other (specify)

The size of the Project Site Sign will be  x

The Equal Housing Opportunity logo or slogan or statement will be  x

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**6. Evaluation of Marketing Activities**

Explain the evaluation process you will use to determine whether your marketing activities have been successful in attracting individuals least likely to apply, how often you will make this determination, and how you will make decisions about future marketing based on the evaluation process.

**7a. Marketing Staff**

What staff positions are/will be responsible for affirmative marketing?

---

**7b. Staff Training and Assessment: AFHMP**

(1) Has staff been trained on the AFHMP?

(2) Has staff been instructed in writing and orally on non-discrimination and fair housing policies as required by 24 CFR 200.620(c)?

(3) If yes, who provides instruction on the AFHMP and Fair Housing Act, and how frequently?

(4) Do you periodically assess staff skills on the use of the AFHMP and the application of the Fair Housing Act?

(5) If yes, how and how often?

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**7c. Tenant Selection Training/Staff**

(1) Has staff been trained on tenant selection in accordance with the project's occupancy policy, including any residency preferences?

(2) What staff positions are/will be responsible for tenant selection?

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**7d. Staff Instruction/Training:**

Describe AFHM/Fair Housing Act staff training, already provided or to be provided, to whom it was/will be provided, content of training, and the dates of past and anticipated training. Please include copies of any AFHM/Fair Housing staff training materials.

**8. Additional Considerations** Is there anything else you would like to tell us about your AFHMP to help ensure that your program is marketed to those least likely to apply for housing in your project? Please attach additional sheets, as needed.

**9. Review and Update**

By signing this form, the applicant/respondent agrees to implement its AFHMP, and to review and update its AFHMP in accordance with the instructions to item 9 of this form in order to ensure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations (see 24 CFR Part 200, Subpart M). I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (See 18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)

Name (type or print)

Title & Name of Company

**For HUD-Office of Housing Use Only**

Reviewing Official:

**For HUD-Office of Fair Housing and Equal Opportunity Use Only**

Approval

Disapproval

Signature & Date (mm/dd/yyyy)

Signature & Date (mm/dd/yyyy)

Name  
(type  
or  
print)

Title

Name  
(type  
or  
print)

Title

Public reporting burden for this collection of information is estimated to average six (6) hours per initial response, and four (4) hours for updated plans, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget (OMB) control number.

**Purpose of Form:** All applicants for participation in FHA subsidized and unsubsidized multifamily housing programs with five or more units (see 24 CFR 200.615) must complete this Affirmative Fair Housing Marketing Plan (AFHMP) form as specified in 24 CFR 200.625, and in accordance with the requirements in 24 CFR 200.620. The purpose of this AFHMP is to help applicants offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability. The AFHMP helps owners/agents (respondents) effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy. Affirmative fair housing marketing and planning should be part of all new construction, substantial rehabilitation, and existing project marketing and advertising activities.

An AFHM program, as specified in this Plan, shall be in effect for each multifamily project throughout the life of the mortgage (24 CFR 200.620(a)). The AFHMP, once approved by HUD, must be made available for public inspection at the sales or rental offices of the respondent (24 CFR 200.625) and may not be revised without HUD approval. This form contains no questions of a confidential nature.

**Applicability:** The form and worksheets must be completed and submitted by all FHA subsidized and unsubsidized multifamily housing program applicants.

#### **INSTRUCTIONS:**

**Send completed form and worksheets to your local HUD Office, Attention: Director, Office of Housing**

#### **Part 1: Applicant/Respondent and Project**

**Identification.** Blocks 1a, 1b, 1c, 1g, 1h, and 1i are self-explanatory.

Block 1d- Respondents may obtain the Census tract number from the U.S. Census Bureau (<http://factfinder2.census.gov/main.html>) when completing Worksheet One.

Block 1e- Respondents should identify both the housing market area and the expanded housing market area for their multifamily housing projects. Use abbreviations if necessary. A **housing market area** is the area from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants. This could be a county or Metropolitan Division. The U.S. Census Bureau provides a range of levels to draw from.

An **expanded housing market area** is a larger geographic area, such as a Metropolitan Division or a Metropolitan Statistical Area, which may provide additional demographic diversity in terms of race, color, national origin, religion, sex, familial status, or disability.

Block 1f- The applicant should complete this block only if a Managing Agent (the agent cannot be the applicant) is implementing the AFHMP.

#### **Part 2: Type of AFHMP**

Block 2a- Respondents should indicate the status of the AFHMP, i.e., initial or updated, as well as the date of the first approved AFHMP. Respondents should also provide the reason (s) for the current update, whether the update is based on the five-year review or due to significant changes in project or local demographics (See instructions for Part 9).

Block 2b- Respondents should identify all groups HUD has approved for occupancy in the subject project, in accordance with the contract, grant, etc.

Block 2c- Respondents should specify the date the project was/will be first occupied.

Block 2d- For new construction and substantial rehabilitation projects, advertising must begin at least 90 days prior to initial occupancy. In the case of existing projects, respondents should indicate whether the advertising will be used to fill existing vacancies, to place individuals on the project's waiting list, or to re-open a closed waiting list. Please indicate how many people are on the waiting list when advertising begins.

### **Part 3 Demographics and Marketing Area.**

"Least likely to apply" means that there is an identifiable presence of a specific demographic group in the housing market area, but members of that group are not likely to apply for the housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities. Reasons for not applying may include, but are not limited to, insufficient information about housing opportunities, language barriers, or transportation impediments.

Block 3a - Using Worksheet 1, the respondent should indicate the demographic composition of the project's residents, current project applicant data, census tract, housing market area, and expanded housing market area. The applicable housing market area and expanded housing market area should be indicated in Block 1e. Compare groups within rows/across columns on Worksheet 1 to identify any under-represented group(s) relative to the surrounding housing market area and expanded housing market area, i.e., those group(s) "least likely to apply" for the housing without targeted outreach and marketing. If there is a particular group or subgroup with members of a protected class that has an identifiable presence in the housing market area, but is not included in Worksheet 1, please specify under "Other."

Respondents should use the most current demographic data from the U.S. Census or another official source such as a local government planning office. Please indicate the source of your data in Part 8 of this form.

Block 3b - Using the information from the completed Worksheet 1, respondents should identify the demographic group(s) least likely to apply for the housing without special outreach efforts by checking all that apply.

### **Part 4 - Marketing Program and Residency Preference (if any).**

Block 4a - A residency preference is a preference for admission of persons who reside or work in a specified geographic area (see 24 CFR 5.655(c)(1)(ii)). Respondents should indicate whether a residency preference is being utilized, and if so, respondents should specify if it is new, revised, or continuing. If a respondent wishes to utilize a residency preference, it must state the preference area (and provide a map delineating the precise area) and state the reason for having such a preference. The respondent must ensure that the preference is in accordance with the non-discrimination and equal opportunity requirements in 24 CFR 5.105(a) (see 24 CFR 5.655(c)(1)).

Respondents should use Worksheet 2 to show how the percentage of the eligible population living or working in the residency preference area compares to that of residents of the project, project applicant data, census tract, housing market area, and expanded housing market area. The percentages would be the same as shown on completed Worksheet 1.

Block 4b - Using Worksheet 3, respondents should describe their use of community contacts to help market the project to those least likely to apply. This table should include the name of a contact person, his/her address, telephone number, previous experience working with the target population(s), the approximate date contact was/will be initiated, and the specific role the community contact will play in assisting with affirmative fair housing marketing or outreach.

Block 4c - Using Worksheet 4, respondents should describe their proposed method(s) of advertising to market to those least likely to apply. This table should identify each media option, the reason for choosing this media, and the language of the advertisement. Alternative format(s) that will be used to reach persons with disabilities, and logo(s) that will appear on the various materials (as well as their size) should be described. **Please attach a copy of the advertising or marketing material.**

### **Part 5 – Availability of the Fair Housing Poster, AFHMP, and Project Site Sign.**

Block 5a - The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place (24 CFR 200.620(e)). Respondents should indicate all locations where the Fair Housing Poster will be displayed.

Block 5b -The AFHMP must be available for public inspection at the sales or rental office (24 CFR 200.625). Check all of the locations where the AFHMP will be available.

Block 5c -The Project Site Sign must display in a conspicuous position the HUD-approved Equal Housing Opportunity logo, slogan, or statement (24 CFR 200.620(f)). Respondents should indicate where the Project Site Sign will be displayed, as well as the size of the Sign and the size of the logo, slogan, or statement. **Please submit photographs of project site signs.**

## **Part 6 - Evaluation of Marketing Activities.**

Respondents should explain the evaluation process to be used to determine if they have been successful in attracting those individuals identified as least likely to apply. Respondents should also explain how they will make decisions about future marketing activities based on the evaluations.

## **Part 7- Marketing Staff and Training.**

Block 7a - Respondents should identify staff positions that are/will be responsible for affirmative marketing.

Block 7b - Respondents should indicate whether staff has been trained on the AFHMP and Fair Housing Act. Please indicate who provides the training and how frequently. In addition, respondents should specify whether they periodically assess staff members' skills in using the AFHMP and in applying the Fair Housing Act. They should state how often they assess employee skills and how they conduct the assessment.

Block 7c - Respondents should indicate whether staff has been trained on tenant selection in accordance with the project's occupancy policy, including residency preferences (if any). Respondents should also identify those staff positions that are/will be responsible for tenant selection.

Block 7d - Respondents should include copies of any written materials related to staff training, and identify the dates of past and anticipated training.

## **Part 8 - Additional Considerations.**

Respondents should describe their efforts not previously mentioned that were/are planned to attract those individuals least likely to apply for the subject housing.

## **Part 9 - Review and Update.**

By signing the respondent assumes responsibility for implementing the AFHMP. Respondents must review their AFHMP every five years or when the local Community Development jurisdiction's Consolidated Plan is updated, or when there are significant changes in the demographics of the project or the local housing market area. When reviewing the plan, the respondent should consider the current demographics of the housing market area to determine if there have been demographic changes in the population in terms of race, color, national origin, religion, sex, familial status, or disability. The respondent will then determine if the population least likely to apply for the housing is still the population identified in the AFHMP, whether the advertising and publicity cited in the current AFHMP are still appropriate, or whether advertising sources should be modified or expanded. Even if the demographics of the housing market area have not changed, the respondent should determine if the outreach currently being performed is reaching those it is intended to reach as measured by project occupancy and applicant data. If not, the AFHMP should be updated. The revised AFHMP must be submitted to HUD for approval. HUD may review whether the affirmative marketing is actually being performed in accordance with the AFHMP. If based on their review, respondents determine the AFHMP does not need to be revised, they should maintain a file documenting what was reviewed, what was found as a result of the review, and why no changes were required. HUD may review this documentation.

## **Notification of Intent to Begin Marketing.**

No later than 90 days prior to the initiation of rental marketing activities, the respondent must submit notification of intent to begin marketing. The notification is required by the AFHMP Compliance Regulations (24 CFR 108.15). The Notification is submitted to the Office of Housing in the HUD Office servicing the locality in which the proposed housing will be located. Upon receipt of the Notification of Intent to Begin Marketing from the applicant, the monitoring office will review any previously approved plan and may schedule a pre-occupancy conference. Such conference will be held prior to initiation of sales/rental marketing activities. At this conference, the previously approved AFHMP will be reviewed with the applicant to determine if the plan, and/or its proposed implementation, requires modification prior to initiation of marketing in order to achieve the objectives of the AFHM regulation and the plan.

OMB approval of the AFHMP includes approval of this notification procedure as part of the AFHMP. The burden hours for such notification are included in the total designated for this AFHMP form.

**Worksheet 1: Determining Demographic Groups Least Likely to Apply for Housing Opportunities**  
**(See AFHMP, Block 3b)**

In the respective columns below, indicate the percentage of demographic groups among the project's residents, current project applicant data, census tract, housing market area, and expanded housing market area (See instructions to Block 1e). If you are a new construction or substantial rehabilitation project and do not have residents or project applicant data, only report information for census tract, housing market area, and expanded market area. The purpose of this information is to identify any under-representation of certain demographic groups in terms of race, color, national origin, religion, sex, familial status, or disability. If there is significant under-representation of any demographic group among project residents or current applicants in relation to the housing/expanded housing market area, then targeted outreach and marketing should be directed towards these individuals least likely to apply. Please indicate under-represented groups in Block 3b of the AFHMP. Please attach maps showing both the housing market area and the expanded housing market area.

Demographic Characteristics	Project's Residents	Project's Applicant Data	Census Tract	Housing Market Area	Expanded Housing Market Area
% White					
% Black or African American					
% Hispanic or Latino					
% Asian					
% American Indian or Alaskan Native					
% Native Hawaiian or Pacific Islander					
% Persons with Disabilities					
% Families with Children under the age of 18					
Other (specify)					

Worksheet 2: Establishing a Residency Preference Area (See AFHMP, Block 4a)

Complete this Worksheet if you wish to continue, revise, or add a residency preference, which is a preference for admission of persons who reside or work in a specified geographic area (see 24 CFR 5.655(c)(1)(ii)). If a residency preference is utilized, the preference must be in accordance with the non-discrimination and equal opportunity requirements contained in 24 CFR 5.105(a). This Worksheet will help show how the percentage of the population in the residency preference area compares to the demographics of the project's residents, applicant data, census tract, housing market area, and expanded housing market area. **Please attach a map clearly delineating the residency preference geographical area.**

Demographic Characteristics	Project's Residents (as determined in Worksheet 1)	Project's Applicant Data (as determined in Worksheet 1)	Census Tract (as determined in Worksheet 1)	Housing Market Area (as determined in Worksheet 1)	Expanded Housing Market Area (as determined in Worksheet 1)	Residency Preference Area (if applicable)
% White						
% Black or African American						
% Hispanic or Latino						
% Asian						
% American Indian or Alaskan Native						
% Native Hawaiian or Pacific Islander						
% Persons with Disabilities						
% Families with Children under the age of 18						
Other (specify)						

Worksheet 3: Proposed Marketing Activities –Community Contacts (See AFHMP, Block 4b)

For each targeted marketing population designated as least likely to apply in Block 3b, identify at least one community contact organization you will use to facilitate outreach to the particular population group. This could be a social service agency, religious body, advocacy group, community center, etc. State the names of contact persons, their addresses, their telephone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing. Please attach additional pages if necessary.

Targeted Population(s)	Community Contact(s), including required information noted above.

**Worksheet 4: Proposed Marketing Activities – Methods of Advertising (See AFHMP, Block 4c)**

Complete the following table by identifying your targeted marketing population(s), as indicated in Block 3b, as well as the methods of advertising that will be used to market to that population. For each targeted population, state the means of advertising that you will use as applicable to that group and the reason for choosing this media. In each block, in addition to specifying the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.) 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. Attach additional pages, if necessary, for further explanation. Please attach a copy of the advertising or marketing material.

<b>Targeted Population(s)→ Methods of Advertising ↓</b>	<b>Targeted Population:</b>	<b>Targeted Population:</b>	<b>Targeted Population:</b>
<b>Newspaper(s)</b>			
<b>Radio Station(s)</b>			
<b>TV Station(s)</b>			
<b>Electronic Media</b>			
<b>Bulletin Boards</b>			
<b>Brochures, Notices, Flyers</b>			
<b>Other (specify)</b>			



**TAB B**



24 C.F.R. Part 200.600



Affirmative Fair Housing Marketing Regulations



program, of the established policy of nondiscrimination in employment in construction, repair or rehabilitation work financed with assistance under the Act.

**§ 200.410 Definition of term “applicant”.**

(a) In any mortgage or loan insurance transaction under this chapter where the Commissioner will control the mortgagor either through the ownership of corporate stock or under the provisions of a regulatory agreement, the term *applicant* as used in § 200.415 shall mean the mortgagor.

(b) In any transaction other than one specified in paragraph (a) of this section, the term *applicant* as used in § 200.415 shall mean the developer, or the builder, dealer or contractor performing the construction, repair or rehabilitation work for the property owner.

**§ 200.415 Agreement of applicant.**

An applicant, prior to the Commissioner's issuance of any commitment or other loan approval, shall agree (in a form prescribed by the Commissioner) that there shall be no discrimination against anyone who is employed in carrying out work receiving assistance pursuant to this chapter, or against an applicant for such employment, because of race, color, religion, sex, handicap, age, or national origin.

[58 FR 41000, July 30, 1993]

**§ 200.420 Equal opportunity clause to be included in contracts and subcontracts.**

(a) The equal opportunity clause prescribed by the Commissioner pursuant to the regulations of the Secretary of Labor (41 CFR chapter 60) shall be included in each nonexempt contract and subcontract for work receiving FHA assistance.

(b) Subcontracts less than \$50,000 may incorporate by reference the equal opportunity clause.

(c) The equal opportunity clause shall be deemed to be a part of each nonexempt contract or subcontract whether or not it is physically incorporated in such contract.

**§ 200.425 Exemptions.**

(a) *Transactions of \$10,000 or under.* Contracts and subcontracts not exceeding \$10,000 are exempt from the requirements of the equal opportunity clause. No contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the equal opportunity clause.

(b) *Contracts and subcontracts for indefinite quantities.* Contracts and subcontracts for indefinite quantities are exempt from the requirements of the equal opportunity clause if the amount to be ordered in a single year under any such contract will not exceed \$10,000.

(c) *Work outside the United States.* Contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States are exempt from the requirements of the equal opportunity clause.

(d) *Others.* Other exemptions set forth in the regulations of the Secretary of Labor at 41 CFR 60-1.5 apply to transactions under this subpart.

**§ 200.430 Sanctions.**

Failure or refusal to comply and give satisfactory assurances of future compliance with the requirements of this subpart shall be proper basis for applying sanctions. The sanctions shall be applied in accordance with the provisions of Executive Order 11246 and the relevant regulations of the Secretary of Labor.

**Subparts K–L [Reserved]**

**Subpart M—Affirmative Fair Housing Marketing Regulations**

SOURCE: 37 FR 75, Jan. 5, 1972, unless otherwise noted.

**§ 200.600 Purpose.**

The purpose of this subpart is to set forth the Department's equal opportunity regulations for affirmative fair housing marketing under FHA subsidized and unsubsidized housing programs.

**§ 200.605**

**24 CFR Ch. II (4-1-11 Edition)**

**§ 200.605 Authority.**

The regulations in this subpart are issued pursuant to the authority to issue regulations granted to the Secretary by section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), and implement the functions, powers, and duties imposed on the Secretary by Executive Order 11063, 27 FR 11527, and title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3608.

[40 FR 20080, May 8, 1975]

**§ 200.610 Policy.**

It is the policy of the Department to administer its FHA housing programs affirmatively, as 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, religion, sex, handicap, familial status or national origin. Each applicant for participation in FHA subsidized and unsubsidized housing programs shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

[40 FR 20080, May 8, 1975, as amended at 58 FR 41337, Aug. 3, 1993]

**§ 200.615 Applicability.**

The affirmative fair housing marketing requirements, as set forth in paragraphs (a) through (f) of § 200.620, shall apply to all applicants for participation in FHA subsidized and unsubsidized housing programs whose application is hereafter approved for development or rehabilitation of:

(a) Multifamily projects and manufactured home parks of five or more lots, units or spaces, and initial submissions by a lender for an application for mortgage insurance on a single family property, where the property is located in a subdivision and the builder or developer intends to sell five or more properties in the subdivision; or

(b) Dwelling units, when the applicant's participation in FHA housing programs had exceeded or would thereby exceed development of five or more such dwelling units during the year preceding the application, except that

there shall not be included in a determination of the number of dwelling units developed by an applicant those in which a single family dwelling is constructed or rehabilitated for occupancy by a mortgagor on property owned by the mortgagor and in which the applicant had no interest prior to entering into the contract for construction or rehabilitation.

[37 FR 75, Jan. 5, 1972, as amended at 50 FR 9268, Mar. 7, 1985; 58 FR 41337, Aug. 3, 1993]

**§ 200.620 Requirements.**

With respect to all FHA subsidized or unsubsidized programs in which the applicant hereafter participates (except for housing for which a conditional commitment has been issued prior to the effective date of these regulations), the applicant shall meet the following requirements or, if he contracts marketing responsibility to another party, be responsible for that party's carrying out the requirements:

(a) Carry out an affirmative program to attract buyers or tenants, regardless of sex, handicap or familial status, of all minority and majority groups to the housing for initial sale or rental. An affirmative marketing program shall be in effect for each multifamily project throughout the life of the mortgage. Such a program shall typically involve publicizing to minority persons the availability of housing opportunities regardless of race, color, religion, sex, handicap or familial status or national origin, through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area. All advertising shall include either the Department-approved Equal Housing Opportunity logo or slogan or statement and all advertising depicting persons shall depict persons of majority and minority groups, including both sexes.

(b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority groups, including both sexes and the handicapped, for staff engaged in the sale or rental of properties.

(c) Instruct all employees and agents in writing and orally in the policy of nondiscrimination and fair housing.

(d) Specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office.

(e) Prominently display in all offices in which sale or rental activity pertaining to the project or subdivision takes place the Department-approved Fair Housing Poster and include in any printed material used in connection with sales or rentals, the Department-approved Equal Housing Opportunity logo or slogan or statement.

(f) Post in a conspicuous position on all FHA project sites a sign displaying prominently either the Department-approved Equal Housing Opportunity logo or slogan or statement.

[37 FR 75, Jan. 5, 1972, as amended at 40 FR 20080, May 8, 1975; 40 FR 53008, Nov. 14, 1975; 58 FR 41337, Aug. 3, 1993]

**§ 200.625 Affirmative fair housing marketing plan.**

Each applicant for participation in FHA housing programs to which these regulations apply shall provide on a form to be supplied by the Department information indicating his affirmative fair housing marketing plan to comply with the requirements set forth in §200.620. This form, once approved by HUD, will be available for public inspection at the sales or rental offices of the applicant.

**§ 200.630 Notice of housing opportunities.**

The Director of each Field Office shall prepare monthly a list of all projects covered by this subpart, and of all initial submissions by lenders for single family mortgage insurance where the property is located in a subdivision and the builder or developer intends to sell five or more properties in the subdivision, on which commitments have been issued during the preceding 30 days. The Director shall maintain a roster of interested organizations and individuals (including public agencies responsible for providing relocation assistance and local housing authorities) who have expressed a wish to receive the monthly list, and shall provide the list to these organizations and individuals.

[58 FR 41337, Aug. 3, 1993]

**§ 200.635 Compliance.**

Applicants failing to comply with the requirements of this subpart will make themselves liable to sanctions authorized by regulations, rules or policies governing the program pursuant to which the application was made, including but not limited to denial of further participation in departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief. The Department will enforce compliance through the procedures outlined in 24 CFR part 108.

[37 FR 75, Jan. 5, 1972, as amended at 58 FR 41337, Aug. 3, 1993]

**§ 200.640 Effect on other requirements.**

The requirement for compliance with this part is in addition to, and not in substitution for, any other requirements imposed by or under Executive Order 11063 or the Fair Housing Act.

[58 FR 41337, Aug. 3, 1993]

**APPENDIX TO SUBPART M OF PART 200—  
EQUAL HOUSING OPPORTUNITY INSIGNIA**

The Equal Housing Opportunity insignia are as follows:

Equal Housing Opportunity logo:



**EQUAL HOUSING  
OPPORTUNITY**

Equal Housing Opportunity statement:  
"We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing

§ 200.800

because of race, color, religion, sex, or national origin.”

Equal Housing Opportunity slogan: “Equal Housing Opportunity.”

[37 FR 75, Jan. 5, 1972, as amended at 40 FR 20080, May 8, 1975]

Subpart N [Reserved]

Subpart O—Lead-Based Paint Poisoning Prevention

SOURCE: 64 FR 50224, Sept. 15, 1999, unless otherwise noted.

§ 200.800 Lead-based paint.

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, F, G, I, and R of this title, apply to activities under these programs, except for single family mortgage insurance and guarantee programs. Sections 200.805 and 200.810 apply to single family mortgage insurance and guarantee programs administered by HUD.

§ 200.805 Definitions.

*Applicable surface.* All intact and non-intact interior and exterior painted surfaces of a residential structure.

*Defective paint surface.* Paint on applicable surfaces that is cracking, scaling, chipping, peeling or loose.

*Lead-based paint surface.* A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm<sup>2</sup>.

§ 200.810 Single family insurance and coinsurance.

(a) *General.* (i) The requirements of this section apply to any one-to four-family dwelling which was constructed before 1978 and is the subject of an application for mortgage insurance under section 203(b) or other sections of the National Housing Act relating to the insurance or coinsurance of mortgages on one-to-four-family dwellings. Such other sections include:

(i) Section 244 (coinsurance);

(ii) Section 213 (cooperative housing insurance);

(iii) Section 220 (rehabilitation and neighborhood conservation housing insurance);

(iv) Section 221 (housing for moderate income and displaced families);

(v) Section 222 (mortgagor insurance for servicemen);

(vi) Section 809 (armed services housing for civilian employees);

(vii) Section 810 (armed services housing in impacted areas);

(viii) Section 234 (mortgage insurance for condominiums);

(ix) Section 235 (mortgage assistance payments for home ownership and project rehabilitation);

(x) Section 237 (special mortgage insurance for low and moderate income families); and

(xi) Section 240 (mortgage insurance on loans for purchase of fee simple title from lessors).

(2) [Reserved]

(3) Applications for insurance in connection with a refinancing transaction where an appraisal is not required under the applicable procedures established by the Commissioner are excluded from the coverage of this section. Any housing assisted under the programs set out in this section for which no new activity is applied for or required is not covered by this section.

(b) *Appraisal.* The appraiser shall, when appraising a dwelling constructed prior to 1978, inspect the dwelling for defective paint surfaces.

(c) *Treatment of defective paint surfaces.* For defective paint surfaces, treatment shall be provided to defective areas. Treatment of hazards shall consist of covering or removing defective paint surfaces. Covering may be accomplished by such means as adding a layer of wallboard to the wall surface. Depending on the wall condition, wallcoverings which are permanently attached may be used. Covering or replacing trim surfaces is also permitted. Paint removal may be accomplished by such methods as scraping, heat treatment (infra-red or coil type heat guns) or chemicals. Machine sanding and use of propane or gasoline torches (open-flame methods) are not permitted. Washing and repainting without thorough removal or covering does not constitute adequate treatment. In the case of defective paint spots, scraping and



**TAB C**

HUD Handbook 8025.1

Implementing Affirmative Fair Housing Marketing  
Requirements



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CHAPTER 1. INTRODUCTION

- 1-1. INTRODUCTION. This Handbook provides guidance for the implementation of the Affirmative Fair Housing Marketing (AFHM) Regulations (24 CFR Part 200, Subpart M) and the AFHM requirements in the Department's housing and community development programs. It instructs applicants on the preparation and implementation of AFHM Plans, and provides guidance to Fair Housing and Equal Opportunity (FHEO) Field Office staff on the processing of AFHM Plans and the monitoring of approved AFHM Plans. It also includes Regional Office staff procedures for conducting compliance reviews of applicants subject to AFHM requirements. In addition, the AFHM Plan procedures are updated to take into account:
- A. The fundamental changes in the structure and purposes of the Department's housing assistance and insurance programs during the last decade;
  - B. The current legal philosophy undergirding efforts to achieve equal housing choice and opportunity; and
  - C. The implementation of the Fair Housing Amendments Act of 1988, especially those provisions dealing with discrimination on the basis of handicap and familial status.
- 1-2. LEGAL AUTHORITIES. The following laws and Executive Orders are the legal bases for the affirmative fair housing marketing policies and provisions covered by this Handbook.
- A. The Fair Housing Act which prohibits discrimination in the sale, rental, financing, or other services related to housing on the basis of race, color, religion, sex, handicap, familial status or national origin. Section 808(e)(5) of this law mandates that HUD administer its programs in a manner to affirmatively further fair housing. Section 804(f) of this law prohibits discrimination because of the handicap of individual buyers, renters, and persons associated with such buyers or renters; discrimination in the terms, conditions, privileges and services connected with the sale or rental of dwelling units; refusal to allow the tenant to make reasonable modifications of existing dwellings to enable a handicapped person to enjoy fully

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the dwelling unit; refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy the dwelling; and failure to make covered multifamily dwelling units first occupied after March 13, 1991 accessible to disabled persons. The law defines "covered multifamily dwellings" as buildings consisting of four or more units if such building has one or more elevators; and ground floor units in other buildings consisting of four or more units.

B. Executive Order 11063, as amended, which provides that no person in the United States because of race, color, religion (creed), sex or national origin, shall be denied equal opportunity in housing or related facilities owned, operated or insured by the Federal government or provided with federal financial assistance; and that all Federal Executive Departments and agencies shall take action to promote the abandonment of discriminatory practices for:

1. Residential property and related facilities endowed with federal financial assistance, and
2. The lending practices connected with such property and facilities insofar as such practices relate to loans insured or guaranteed by the Federal Government.

C. Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual with handicaps in the United States shall, solely by reason of his handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

1-3. PURPOSE OF AFHM REQUIREMENTS. The purpose of the AFHM requirements is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing, regardless of the individual's race, color, religion, sex, handicap, familial status or national origin. They are also a means to carry out the mandate of Section 808(e) (5)

of the Fair Housing Act and ensure positive outreach and informational efforts to those who are least likely to know about and apply for the housing in question. Each applicant for participation in housing programs of the Department of Housing and Urban Development (HUD) shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, and in advertising the availability of housing properties.

1-4. REGULATORY AND CONTRACTUAL REFERENCES. Legally binding obligations for AFHM may be found in regulations issued by HUD and in contract documents which describe the terms and conditions of Federal involvement in the provision of assisted housing. The Department has issued regulations to implement the functions, powers and duties imposed on it by the laws and Executive Orders listed in paragraph 1-2. Appendix 1 contains a list of these regulations. In addition, the following sections of Title 24 of the Code of Federal Regulations (CFR) pertain directly to affirmative fair housing marketing requirements:

- A. "AFHM Regulations" (24 CFR Part 200, Subpart MI sets forth requirements for AFHM under HUD-subsidized and unsubsidized housing programs that received a conditional commitment after February 25, 1972. These regulations require submission of a Plan and outline the components of the AFHM Program (See Section 200.600 of the AFHM Regulation).
- B. "Compliance Procedures for AFHM" (24 CFR Part 108) establishes procedures for determining whether or not an applicant's actions are in compliance with its approved AFHM Plan, AFHM Regulations at 24 CFR 200.600 and AFHM requirements contained in HUD program regulations. These procedures do not apply to programs which do not require AFHM Plans. Appendices 2, 3 and 4 contain references to requirements relating to AFHM which are found in program regulations, and affirmative marketing guidance found in the contractual documents, Notices and Handbooks for the respective housing programs.

1-5. APPLICABILITY AND DURATION.

- A. Applicability. Except when specifically noted, AFHM requirements discussed in this Handbook apply to housing programs administered by HUD that are covered by the AFHM Regulations at 24 CFR 200.600. In many instances, these requirements are incorporated

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into regulations governing these programs. Appendix 5 lists the programs for which a written AFHM Plan submission is required and the programs for which applicants need to adopt AFHM procedures and incorporate them into their project management plans or procedures.

B. Duration of AFHM Requirements. The duration of AFHM requirements varies with each housing program:

1. In home mortgage programs, AFHM requirements apply through the completion of initial sales transactions on units covered by the approved AFHM Plan.
2. In insured rental programs, AFHM requirements apply throughout the life of the mortgage, including those periods when the project does not maintain sustaining occupancy.
3. In privately-owned insured and uninsured rental housing assisted under Section 8 of the United States Housing Act of 1937, AFHM requirements apply throughout the duration of the Housing Assistance Payments Contract with HUD. Although no new Housing Assistance Payments Contracts are being entered into for New Construction, Substantial Rehabilitation and State Agency projects, monitoring of the Affirmative Marketing Plans connected with contracts presently in force still should take place and applicants should continue to carry out Affirmative Marketing activities appropriate to the post-initial occupancy environment. (See Paragraph 4-11 for a more detailed description of such post-occupancy activities.)

1-6. EXEMPTIONS FROM AFHM PLAN REQUIREMENTS.

- A. Certification of Intent Not to Market. Any applicant that buys land, installs streets and other improvements, sells lots to builders and receives a HUD subdivision report, but neither applies for conditional commitment nor submits requests for insurance endorsement under the Direct Endorsement Program, is

exempt from submitting a written AFHM Plan. Such applicants are required to file a Certification of Intent Not to Market Housing, Form HUD-935.3 (Appendix 26). However, the builder who buys the land from the developer for the purpose of building housing units must submit a plan, if HUD mortgage insurance is to be used.

- B. Voluntary Affirmative Marketing Agreements (VAMAs). These agreements are negotiated between HUD Headquarters and national associations that represent components of the housing industry. A national agreement is signed by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) and national officers of the industry groups. State and local member affiliates adopt the national agreement. Signatories to HUD-approved VAMAs are exempt from the submission of an AFHM Plan in connection with the programs identified in Appendix 2.

FHEO staff will accept either a certification from the authorized representative of the signatory organization that has a valid VAMA with HUD or an appropriate affiliate of that organization that the applicant has signed the VAMA and has agreed in writing to implement all terms of the Agreement applicable to member signatories. FHEO staff may monitor and conduct compliance reviews on these projects, pursuant to criteria established for VAMA monitoring.

- C. Property Disposition. Owners of multifamily projects that are sold by the Department under the Multifamily Property Disposition Program where the Department is either the owner or mortgagee in possession, and purchasers of HUD-owned multifamily projects purchased at a foreclosure sale are also exempt.
- D. Other Programs. Programs which by Regulation do not require the submission of an AFHM Plan.

NOTE: Appendix 5, Section B lists those programs that are exempt from the AFHM requirements of 24 CFR Part 200, Subpart M.

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1-7. DEFINITIONS. The definitions of terms used throughout this Handbook are the following:

- A. Applicant. For the purposes of this Handbook, a person

remains an "applicant" from the date of application for mortgage insurance or subsidy assistance through the duration of the mortgage or other assistance provided for covered housing assistance. Such applicants include:

1. All persons, as defined in Paragraph 1-7L., whose applications are approved for the development and rehabilitation of:
  - a. Single-family subdivisions of five or more units when those units have not gone into escrow or been committed for sale to a buyer; and in initial submissions by a Direct Endorsement lender for an application for mortgage insurance on a single family property, where the property is located in a subdivision and the builder or developer intends to sell five or more properties in the subdivision;
  - b. Multifamily projects of five or more units for which the applicant applies for HUD mortgage insurance and/or subsidy;
  - c. Mobile home parks of five or more lots, units or spaces; or
  - d. Dwelling units, when the applicant's participation in HUD-assisted housing programs has exceeded or would exceed development of five or more such dwelling units during the year preceding the application. For example, the small builder who builds five or more individual dwelling units during a twelve-month period must submit an AFHM Plan for those units.
2. Purchasers of multifamily projects which are owned by the Department or are sold under a foreclosure procedure who purchase the project with HUD mortgage insurance or Section 8 subsidy.

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3. All other persons subject to AFHM requirements in HUD's housing and community development programs which are not covered by the AFHM Regulations at 24 CFR 200.600, but are subject to separate AFHM requirements set forth in the programmatic, statutory or regulatory provisions.

- B. Covered Housing. For the purposes of this Handbook, covered housing is all rental and sale housing units insured and/or subsidized under programs administered by the Department of Housing and Urban Development to which the AFHM Regulations apply.
- C. Field Office. This term includes all Field Offices collocated with the ten Regional offices, all Category A offices and those Category B Offices which have FHEO staff (Charleston, Sacramento, Houston).
- D. Good Faith Effort. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:
  - 1. Advertising in print and electronic media that are used and viewed or listened to by those identified as least likely to apply;
  - 2. Marketing housing to specific community, religious or other organizations frequented by those least likely to apply;
  - 3. Developing a brochure or handout that describes facilities to be used by buyers or renters, e.g., transportation services, schools, hospitals, facilities, industry, recreation facilities. The brochure should also describe how the proposed project will be accessible to physically handicapped persons and describe any reasonable accommodations made to persons with disabilities; and
  - 4. Insuring that the sales/management staff has read and understood the Fair Housing Act, and the purposes and objectives of the AFHM Plan.
- E. Housing Market Area. That geographic region from which it is likely that renters/purchasers would be drawn for a given multifamily housing project or single family subdivision. A housing market area most often corresponds to a Metropolitan Statistical Area (MSA).

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- F. Individual with Handicaps. A person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an

impairment; or is regarded as having such an impairment. This basic definition is found in both Section 504 of the Rehabilitation Act of 1973 (See also 24 CFR 8.3) and in the Fair Housing Act at Section 804(f). (See HUD Handbook 4350.3, Occupancy Requirements for Insured Housing Programs, for information on eligibility for applicable programs.)

- G. Initial Rent-Up Period. That period beginning with the date on which the applicant is granted permission by both HUD and the local government to begin occupancy or rent-up, and ending on the date sustaining occupancy (usually 95 percent) is attained.
- H. Minority. An individual who is a member of any one of the following racial or ethnic groups:
  - 1. Black. An individual having origins in any of the Black racial groups of Africa or the Caribbean, but not of Hispanic origin.
  - 2. American Indian or Alaskan Native. An individual having origins in any of the original people of North America, and who maintains cultural identification through tribal affiliation or community recognition.
  - 3. Hispanic. An individual of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
  - 4. Asian or Pacific Islander. An individual having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- I. Minority Area. (Reserved)
- J. Minority Media. (Reserved)
- K. Non-Minority Area. (Reserved)

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- L. Person. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives or agents, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and public entities.

- M. Subsidized Housing. Units funded under programs in which either the rent applicable to the unit or the tenant is subsidized in accordance with a statutory formula.
- N. Target Group. Identifiable segments of the population eligible for the housing by virtue of their income, and where applicable as an eligibility criterion, the age of household head, handicap status, race and ethnicity.

1-8. ROLES AND RESPONSIBILITIES. The following paragraphs describe the roles and responsibilities of Departmental officials in the administration of AFHM requirements:

- A. Assistant Secretary for Fair Housing and Equal Opportunity has the delegated responsibility for the administration of the Fair Housing Act and Executive Order 11063 in all of the Department's programs, including AFHM Regulations and requirements. The Assistant Secretary is responsible for making a finding of compliance or noncompliance pursuant to the outcome of a compliance review, and the determination of actions to be taken, including the imposition of sanctions, when there is evidence of a failure to comply with the AFHM Plan or the AFHM Regulations. The Assistant Secretary is also responsible for administering Affirmative Fair Housing Marketing procedures contained in those programs which do not require the submission of AFHM Plans.
- B. Regional Administrator administers within the defined geographic boundaries of each region all of the Department's programs and activities in accordance with the program direction of, and subject to the delegations of authority from, the Secretary and/or Assistant Secretaries; serves as liaison to other Federal agencies and State governments; and oversees the administration of the Regional and Field Offices.

- C. Director of the Regional Office of Fair Housing and Equal Opportunity is responsible for determining possible noncompliance with the provisions of the AFHM Plan, the AFHM Regulations and 24 CFR 108, as well as the Fair Housing Act and Executive Order 11063. He/she conducts complaint investigations and compliance reviews pursuant to these provisions. The Director also is responsible for investigating and conciliating

all complaints filed under the Fair Housing Act, including those involving provisions of the Act and Regulations relating to advertising and marketing.

- D. Field Office Manager is responsible for overall direction of housing programs within the geographic jurisdiction of the Field Office and must assure that processing is carried out in accordance with program regulations, the AFHM Regulations, the instructions in this Handbook and the processing requirements for the respective programs covered by this Handbook.
- E. Program Operations Division Director/Field Office Director of Fair Housing and Equal Opportunity (POD/FOD) is responsible for providing technical assistance to applicants in the preparation or modification of AFHM Plans during the period of development and initial implementation, i.e., through initial occupancy. The POD/FOD FHEO Director also is responsible on a day-to-day basis for the review and approval of AFHM Plans and for monitoring implementation of AFHM Plans and requirements.
- F. Field Office Director of Housing/Director of Loan Management/Director of Assisted Housing Management cooperates with the POD/FOD Division Director/Equal Opportunity Specialist in many aspects of administering the AFHM requirements, including:
  - 1. Informing applicants about AFHM requirements;
  - 2. Obtaining an acceptable AFHM Plan; and
  - 3. Assuring that outreach activities and all application processing activities, including residency preferences (where applicable) are conducted in accordance with the approved AFHM Plan, the AFHM Regulations and, where applicable, the affirmative marketing requirements of programs which do not call for the submission of a written AFHM Plan.

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Also, the Director or designee requests the attendance of the POD/FOD Director or designee at the pre-occupancy conference.

- G. Applicant is responsible for the development and the implementation of the AFHM Plan or affirmative marketing procedures. The applicant has the ultimate

responsibility for marketing and sales/rental transactions. Employment of a sales or management agent does not relieve the applicant of his/her responsibilities and the applicant must assure that such agents will carry out affirmative marketing and nondiscrimination requirements.

1-9. OTHER RELATED ACTIVITIES.

A. Voluntary Affirmative Marketing Programs. Section 809 of the Fair Housing Act authorizes the Secretary of HUD to undertake educational and conciliatory activities to further fair housing objectives. Voluntary affirmative marketing activities may be undertaken by private sector housing industry groups, business organizations and professional associations; and by state and local elected officials and public agencies in the areas of housing, planning and community development.

1. Voluntary Affirmative Marketing Agreements (VAMA) and Plans. Voluntary Affirmative Marketing Agreements and Plans commit signatory parties to collective action in support of affirmative marketing programs to achieve the goals of equal housing opportunity. Sectors of the housing industry which have executed such VAMAs at the national level with HUD include homebuilders, real estate agents, apartment managers and mortgage lenders. On the local level the VAMA serves as a substitute or alternative to the AFHMP. (See discussion at Paragraph 1-6B.).

2. Community Housing Resource Boards (CHRB). Community Housing Resource Boards are locally-based coalitions of fair housing groups, housing industry groups, lenders and other organizations that are involved in fair housing issues. These Boards undertake informational and other activities which serve to inform the public about the goals of fair housing and the VAMA; assess community fair housing needs; expand minority involvement in the housing industry at the local level; expand public awareness of housing opportunities in the

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community; and develop cooperative solutions to problems associated with the implementation of the VAMA. The CHRB also comments on the effectiveness of compliance with the VAMA when a signatory uses the VAMA as an exemption to the AFHM requirements.

- B. Comprehensive Housing Affordability Strategy (CHAS). Title I of the National Affordable Housing Act requires that States and localities applying for assistance under certain HUD programs have a HUD-approved housing strategy. The CHAS identifies a jurisdiction's overall needs for affordable and supportive housing and outlines a strategy to address those needs. The Act requires each jurisdiction's CHAS to contain fourteen elements that describe the jurisdiction's housing needs and market conditions, set out a five-year strategy that establishes priorities for meeting those needs, identify resources anticipated to be available for the provision of affordable and supportive housing, and establish a short-term investment plan that outlines the intended uses of resources. The CHAS replaced the Housing Assistance Plan (HAP) required for Community Development Block Grant Program funding and the Comprehensive Homeless Assistance Plan (CHAP) required by the McKinney Act Homeless Assistance Programs. The programs which are subject to the CHAS requirements are listed in Appendix 6, and several of these programs include requirements to submit AFHM Plans in accordance with 24 CFR Part 200, Subpart M. Other NAHA programs require the applicant to carry out affirmative outreach activities to groups of eligible persons identified as least likely to apply for the housing, but not submit a Plan for review and approval by HUD.



## TAB D



## RESOURCES



HUD-935.2A – Affirmative Fair Housing Marketing Plan (AFHMP) – Multifamily Housing  
<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>



HUD Handbook 4350.3 REV-1 - Chapter 2 – Civil Rights and Nondiscrimination Requirements  
[http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_35643.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_35643.pdf)



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***FAIR HOUSING NOT AN OPTION IT'S THE LAW!***

