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# AFFIRMATIVE FAIR HOUSING MARKETING PLANS

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Presented by:

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CT FAIR HOUSING CENTER

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# Agenda

- Introduction
  - Who has to use an Affirmative Fair Housing Marketing Plan
  - Creating an AFHMP
  - Common mistakes
  - Exercise
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# AFHMP Forms

- AA-5 and HUD 935.2A are now compatible
  - DOH and CHFA accept the 935.2A for projects receiving either federal and state money
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# What is an AFHMP?

- Marketing plan
  - Designed to attract a diverse group of applicants
  - Defines who is “least likely to apply”
  - Describes marketing to those “least likely to apply”
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# Why is an AFHMP Required?

- Required by state law-- Conn. Agency Regs. §8-37ee(2)(a)
  - The affirmative fair housing marketing plan requirements shall apply to all recipients of state funding where such funding is used for the development or rehabilitation of:
    - Subdivisions or multifamily developments of five or more lots or units; or
    - Scattered site dwelling units, where the receipt of state funding exceeded, or shall exceed, the development or rehabilitation of five such dwelling units during the year.
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# Why is an AFHMP Required?

- Required by federal law – 24 U.S.C. §200.615
    - The affirmative fair housing marketing plan requirements apply to:
      - Multi-family projects and manufactured home parks of five or more lots, units, or spaces; or
      - Scattered site dwelling units, where the receipt of state funding exceeded, or shall exceed, the development or rehabilitation of five such dwelling units during the year
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# Why is an AFHMP Required?

- Achieve diversity in housing
    - Where housing is advertised affects who applies
    - Tenant selection policy affects who gets in
  - Ensure 20% of units are rented to those least likely to apply
  - Promote integration
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# Causes of segregation

- Redlining
  - Restrictive covenants
  - Exclusionary zoning
  - Placement of public and subsidized housing
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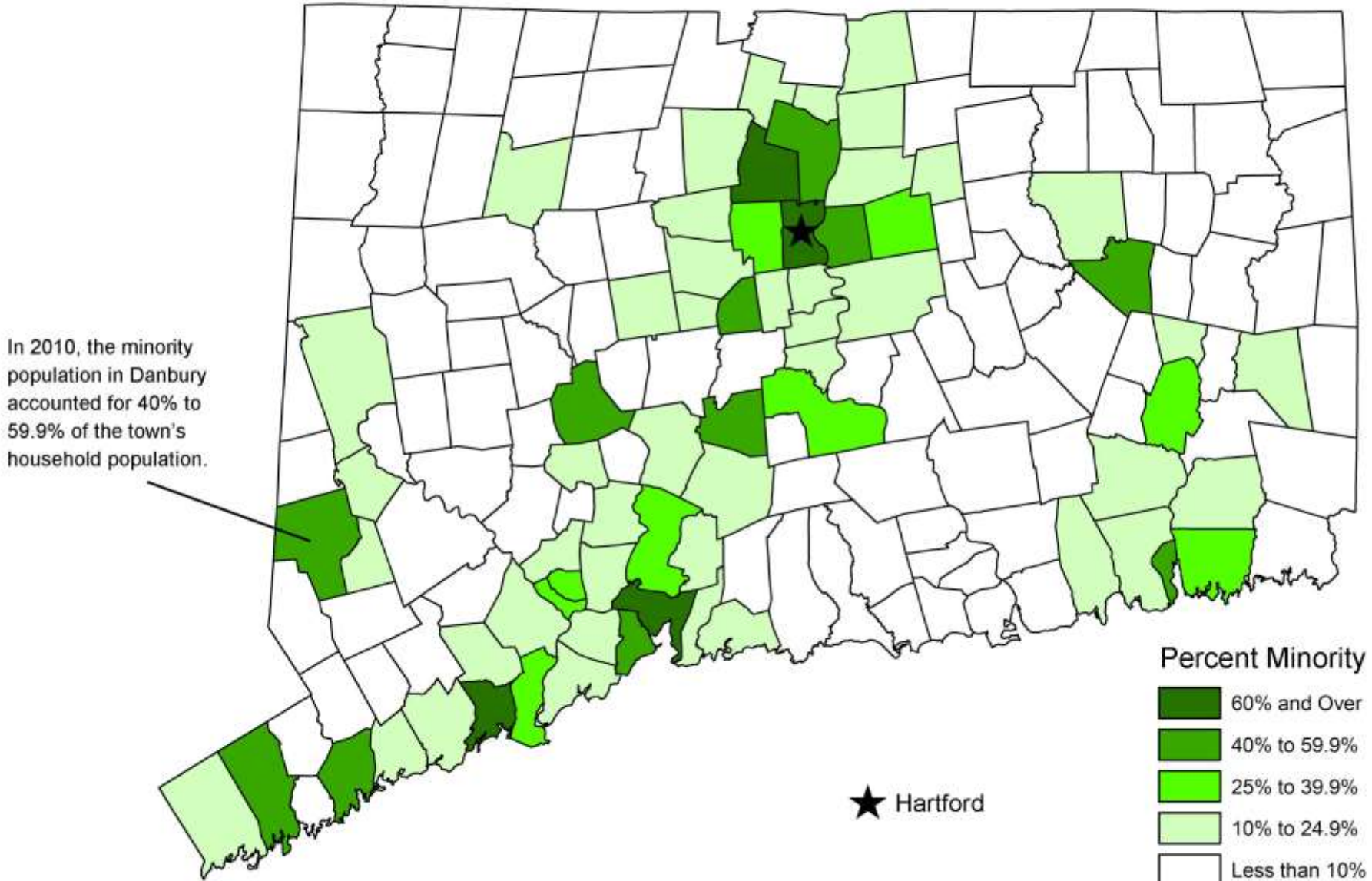
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# Causes of segregation

- Placement of public and subsidized housing
    - ❑ People of color have a disproportionate need for affordable housing
    - ❑ Latinos have nearly five times the poverty rate of Whites
    - ❑ African Americans have nearly four times the poverty rate of Whites
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# Minorities in Connecticut Towns in 2010

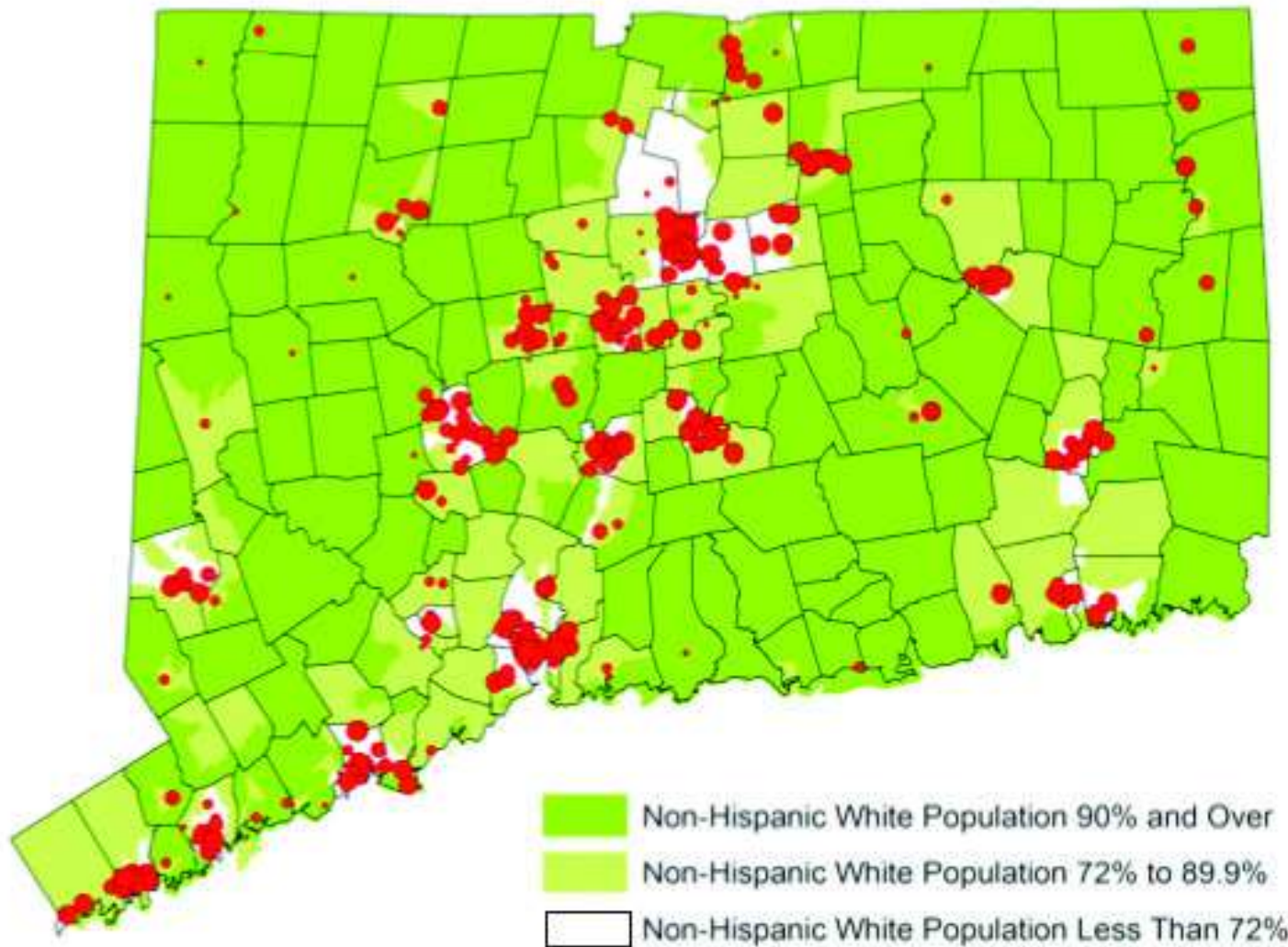
## Populations Living in Households (excluding Group Quarters)



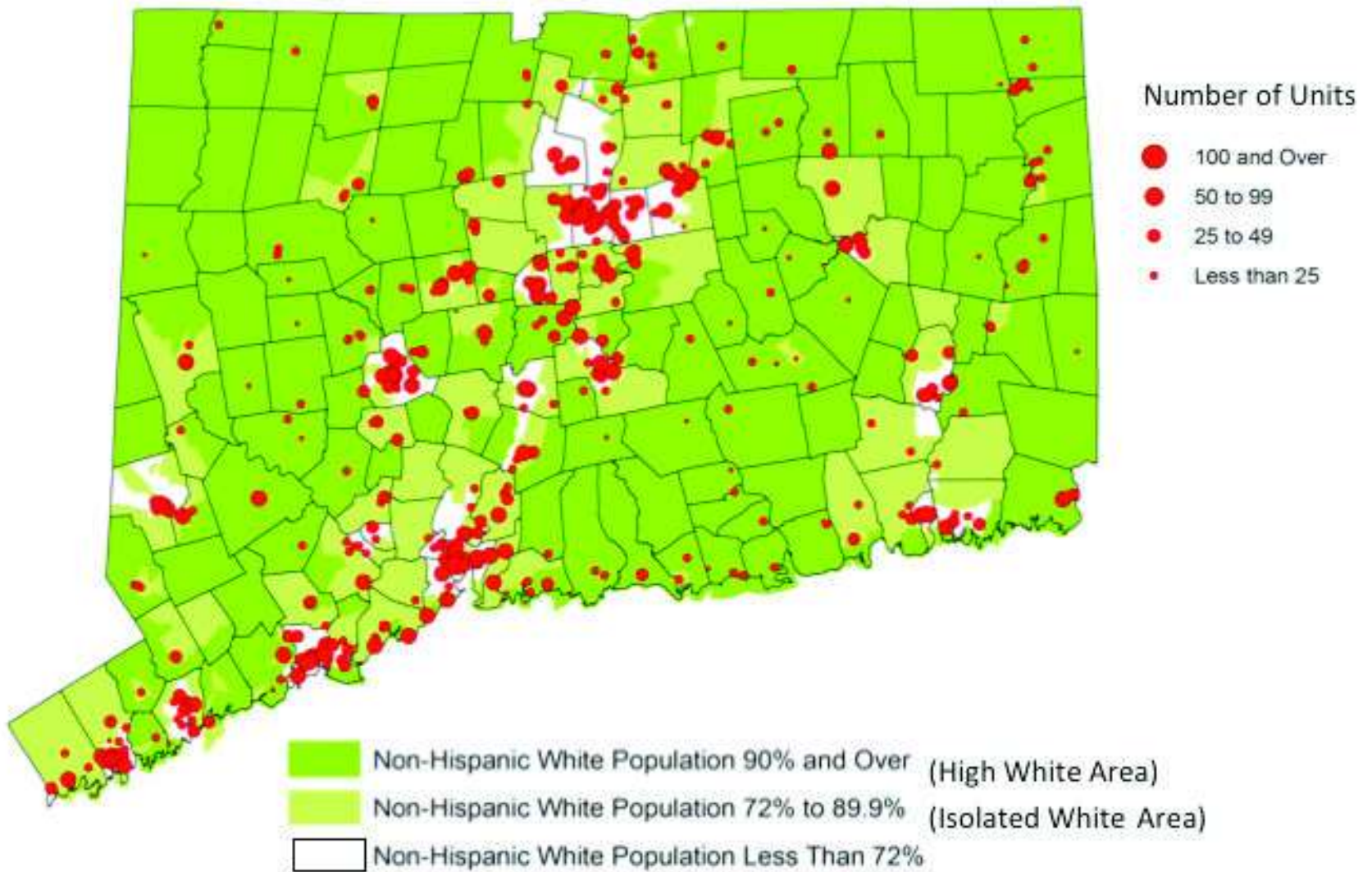
# Preservation List by Location and Demographic Served (by census tract)

Demographic Served	Total Units	% of Units in Disproportionately Minority Areas	% of Units in High Poverty Areas	% of Units in R/ECAP Areas
All	82,290	66%	69%	28%
Family	43,534	75%	78%	32%
Elderly	37,330	56%	58%	24%
Supportive	440	89%	83%	40%
People with Disabilities	442	48%	39%	6%

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## Family Subsidized Housing



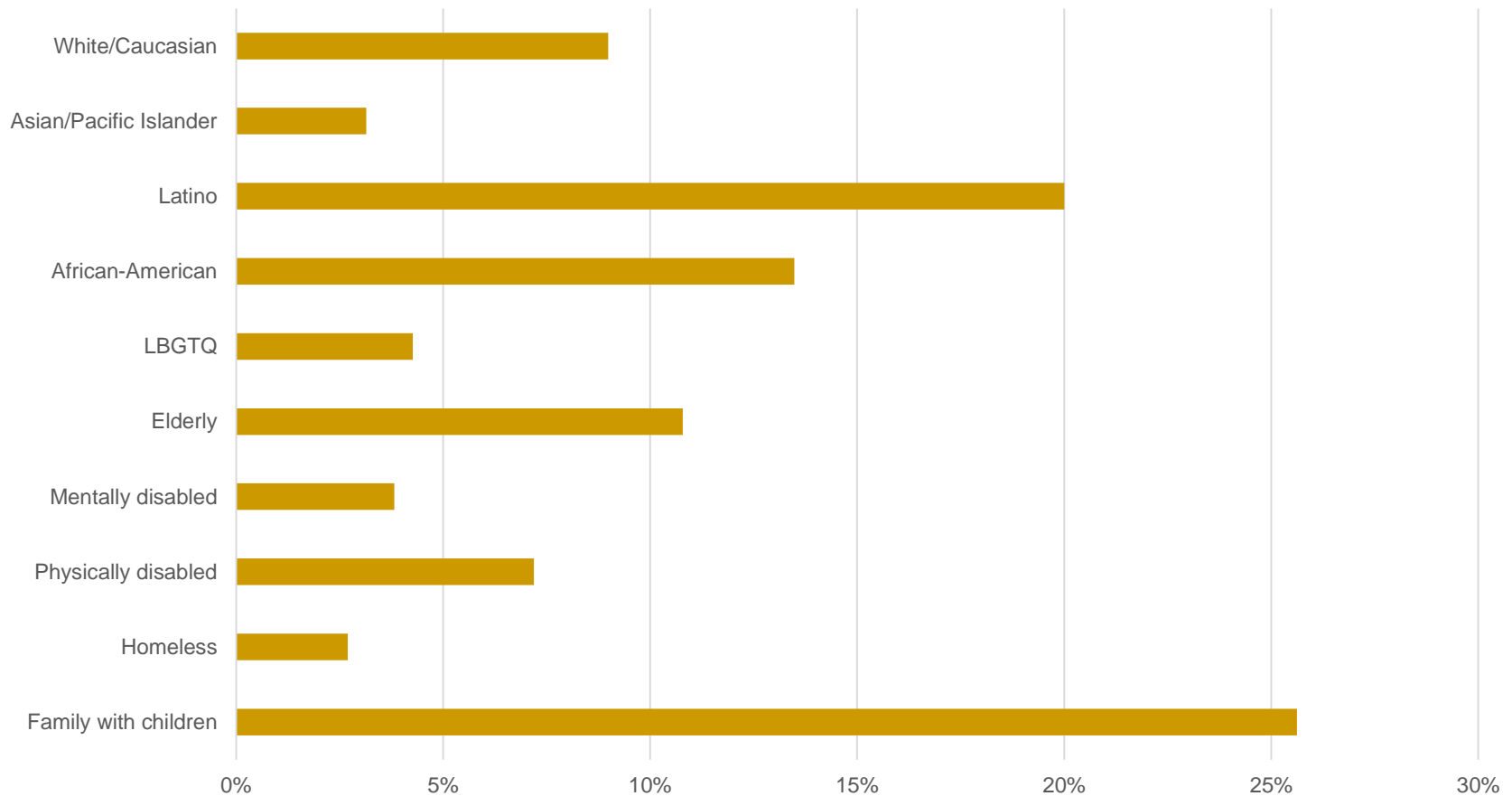
## Elderly Subsidized Housing

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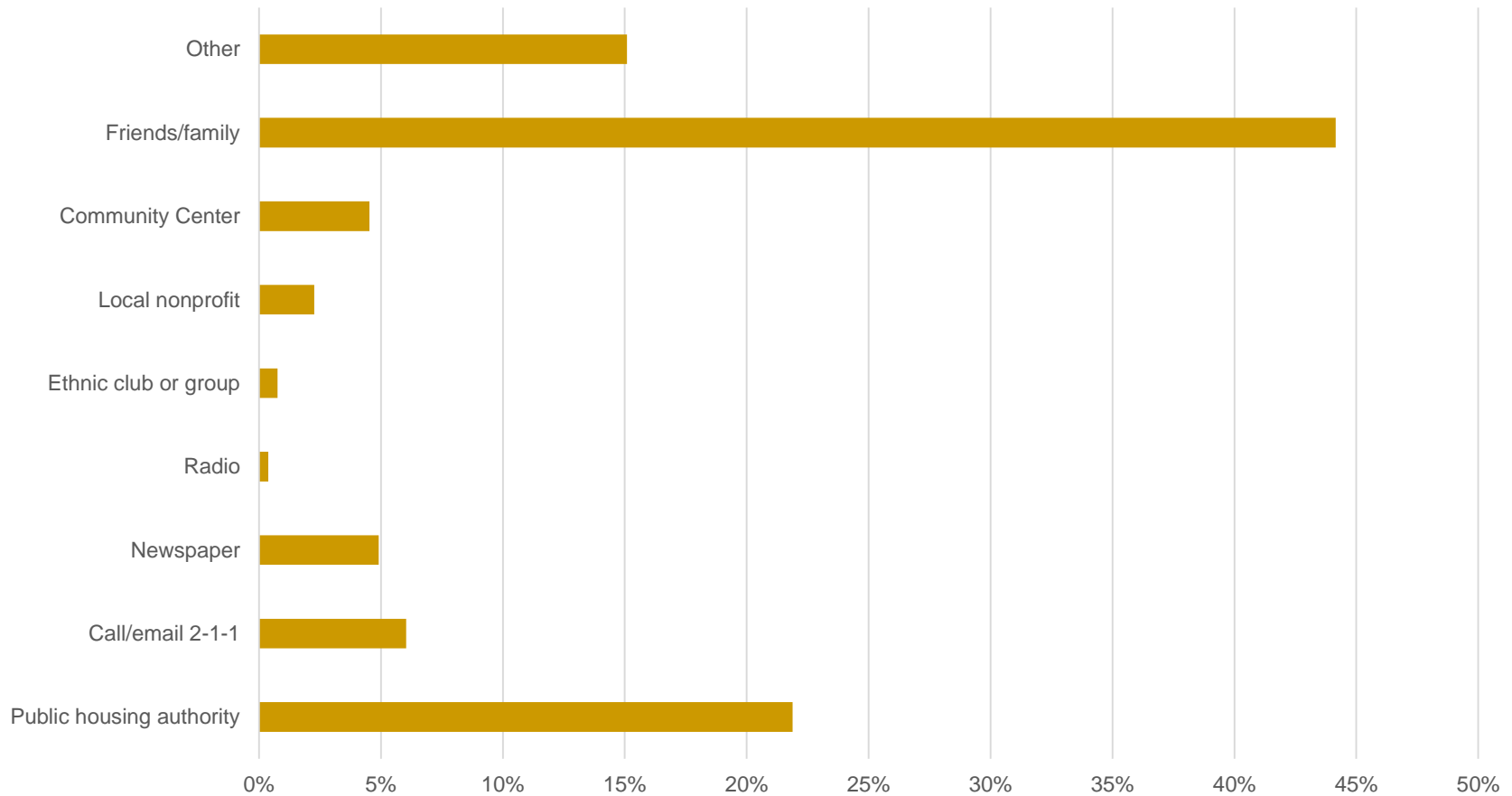
# Are you reaching people least likely to apply?

- Questioned 280 people over the last six months
  - Responders from Hartford, New Britain, East Hartford, Manchester, Vernon, Meriden, Middletown
  - Asked how people heard about waiting list openings
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# Are you reaching people least likely to apply?



# How do you hear about waiting list openings?





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# Where have you applied?

- Majority of people applied in the town in which they currently live
  - No one applied to subsidized housing outside of an urban area
  - 45% said they would move out of an urban area
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# WHO HAS TO CREATE AND USE AN AFHMP

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# Covered State Housing Programs

- State subsidized housing programs
    - FLEX
    - HOME (state administered federal funds)
    - Housing Trust Fund
    - Rental Housing for the Elderly
    - Congregate Housing for the Elderly
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# Covered State Housing Programs

- State subsidized housing programs (cont'd)
    - Moderate Rental Housing (including Section 8 moderate rehab and MRD)
    - Affordable (Low Income) Housing
    - Limited Equity Cooperatives
    - Mutual Housing
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# Covered State Housing Programs

- State subsidized housing programs (cont'd)
    - CHAMP
    - IDASH
    - Homeless Prevention and Response Fund
    - State-sponsored Housing Portfolio
    - Housing Innovations-Homeless Youth
    - Just in Time Funding
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# Covered Housing Programs

- Federally subsidized housing
    - 811
    - 202
    - Section 8 moderate rehab properties
    - USDA subsidized projects
  - Opening the waiting list for housing choice vouchers
  - Not covered—LIHTC
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# HOW TO CREATE AN AFHMP

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Reviewing and completing the HUD  
935.2A

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# State AFHMP Forms and Regulations

- AA-5

- [www.ct.gov/doh](http://www.ct.gov/doh) Search for AA-5

- Conn. Agencies Regs. §§8-37ee-300—314

- DOH and CHFA will accept the HUD 935.2A for all state and federal complexes

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# Federal AFHMP Forms and Regulations

- HUD-935.2A

- <http://www.hud.gov>; Search for 935.2A

- 24 CFR §§200.600 - 200.640



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# Section 1—Project Identification

- Basic information including
    - a) Name and address of the project
    - b) Project Contract No.
    - c) Number of units
    - d) Census tract in which the housing is located
    - f) Managing Agent info
    - g) Owner/developer name
    - h) Entity responsible for implementing the marketing plan
    - i) Name of person responsible for AFHMP
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# Section 1, cont'd

- Section 1.e
    - Housing Market Area
    - Expanded Housing Market Area
  - This will be filled in after completing remainder of form
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# Section 2—Type of Marketing Plan

- Plan type
    - Initial—before units have been occupied, or
    - Updated—units have been occupied but are opening the waiting list
  - Date first approved AFHMP
    - If this is an initial AFHMP, leave blank
  - Reason for current update
    - E.g. significant changes in project or local demographics, five year review, etc.
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## Section 2, cont'd

- 2b. HUD-Approved Occupancy (check one)
    - ❑ Elderly (HUD must approve)
    - ❑ Family
    - ❑ Mixed (elderly/disabled)
    - ❑ Disabled
-

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## Section 2, cont'd

- 2d. Advertising Start Date
    - Begin at least 90 days prior to first occupancy for new construction or substantial rehab
  
  - If not new construction or substantial rehab
    - Check box that applies and indicate number of people on waiting list
    - Do not use a short advertising period as a way of limiting applications
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# Section 3—Determining Market Area

- Worksheet 1
  - Defining “who is least likely to apply”—there is an identifiable presence of a demographic group in the housing market area but that group is not likely to apply without targeted outreach
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# Worksheet 1

- Instructions for Worksheet 1
  - Wherever possible, demographic statistics should be obtained from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as American Fact Finder





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# Census Data

- **American Fact Finder:** The U.S. Census Bureau's website. Available at <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>
  - To easily get data on the racial and ethnic composition of a town or county, go to the Census Bureau's *Quick Facts* page at: <http://quickfacts.census.gov>
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# Worksheet 1

	Column 1	Column 2	Column 3	Column 4	Column 5
<b>Demographic Characteristics</b>	<b>Project Residents</b>	<b>Project's Applicant Data</b>	<b>Census Tract</b>	<b>Housing Market Area</b>	<b>Expanded Housing Market Area</b>
% White					
% Black or African-American					
% Hispanic or Latino					
% Asian					
% American Indian or Alaskan Native					
% Native Hawaiian or Other Pacific Islander					
% Persons with disabilities					
% Families with children under the age of 18					
Other (specify)					

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# Worksheet 1, cont'd

- Columns which must be completed are numbered in this example (not on HUD Worksheet 1)
  - Column 1
    - Existing rental units—fill out Column 1
    - New rental units—do not fill out Column 1
    - New homeownership units—do not fill out Column 1
    - Homeownership assistance—do not fill out Column 1
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# Worksheet 1, cont'd

- Column 2—Applicant Data a/k/a Waiting List
    - If this is an initial AFHMP for rental or homeownership units or for homeownership assistance—do not fill out Column 2
    - If a waiting list already exists for rental or homeownership units or homeownership assistance—fill out Column 2
    - If these are existing units but there is no one on the waiting list—write 0 for each row on Column 2
-

# Worksheet 1—New Units—Do not fill in columns 1 and 2

	Column 1	Column 2	Column 3	Column 4	Column 5
<b>Demographic Characteristics</b>	<b>Project</b>	<b>Project's Applicant Data</b>	<b>Census Tract</b>	<b>Housing Market Area</b>	<b>Expanded Housing Market Area</b>
% White					
% Black or African-American					
% Hispanic or Latino					
% Asian					
% American Indian or Alaskan Native					
% Native Hawaiian or Other Pacific Islander					
% Persons with disabilities					
% Families with children under the age of 18					
Other (specify)					

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# Worksheet 1, cont'd

- Column 3—Census Tract %
    - Include the percentage of each of the groups in the census tract where the housing is located.
    - If there is no one from the group living in the census tract, write in 0.
    - If the percentage of the group is less than 0, include the fraction of the group in the census tract.
-

# Worksheet 1—All—Fill in column 3

	Column 1	Column 2	Column 3	Column 4	Column 5
<b>Demographic Characteristics</b>	<b>Project</b>	<b>Project's Applicant Data</b>	<b>Census Tract</b>	<b>Housing Market Area</b>	<b>Expanded Housing Market Area</b>
% White	95	25	88		
% Black or African-American	2	60	7		
% Hispanic or Latino	2	13	4		
% Asian	0	2	1		
% American Indian or Alaskan Native	0	0	0		
% Native Hawaiian or Other Pacific Islander	0	0	0		
% Persons with disabilities	85	55	17		
% Families with children under the age of 18	0	0	78		
Other (specify)					

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# Worksheet 1, cont'd

- Column 4—Housing Market Area %
    - A housing market area is the area (not necessarily the census tract, but the entire geographic area) from which the owner or manager of the project may reasonably expect to draw a substantial number of its applicants.
    - Where did current occupants come from?
    - Where did people on the waiting list come from?
-



# Worksheet 1—All—Fill in column 4

	Column 1	Column 2	Column 3	Column 4	Column 5
<b>Demographic Characteristics</b>	<b>Project</b>	<b>Project's Applicant Data</b>	<b>Census Tract</b>	<b>Housing Market Area</b>	<b>Expanded Housing Market Area</b>
% White	95	25	88	85	
% Black or African-American	2	60	7	5	
% Hispanic or Latino	2	13	4	8	
% Asian	0	2	1	2	
% American Indian or Alaskan Native	0	0	0	0	
% Native Hawaiian or Other Pacific Islander	0	0	0	0	
% Persons with disabilities	85	55	17	17	
% Families with children under the age of 18	0	0	78	85	
Other (specify)					

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# Worksheet 1, cont'd

- **Column 5—Expanded Housing Market Area**
    - An expanded housing market area is a larger geographic area that may provide additional diversity
    - Everyone should include information in the expanded market area
    - Use regional data (across city and county lines), MSA, or data from areas where you have gotten applications
    - Goal is to have a diverse applicant pool
-

# Worksheet 1—All—Fill in column 5

	Column 1	Column 2	Column 3	Column 4	Column 5
<b>Demographic Characteristics</b>	<b>Project</b>	<b>Project's Applicant Data</b>	<b>Census Tract</b>	<b>Housing Market Area</b>	<b>Expanded Housing Market Area</b>
% White	95	25	88	85	71
% Black or African-American	2	60	7	5	13
% Hispanic or Latino	2	13	4	8	9
% Asian	0	2	1	2	3
% American Indian or Alaskan Native	0	0	0	0	1
% Native Hawaiian or Other Pacific Islander	0	0	0	0	0
% Persons with disabilities	85	55	17	17	10
% Families with children under the age of 18	0	0	78	85	23
Other (specify)					

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## Section 4, cont'd

- Section 4.B—defining who is least likely to apply
    - Least likely to apply—those persons who, in the main, do not live in the area of the development because of racial or ethnic patterns, perceived community attitudes, price or other factor, and thus need additional outreach to inform them of their opportunity to live in the development.
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## Section 3b

- Defining who is least likely to apply
    - On Worksheet 1, compare groups across rows and within columns to identify any under-represented groups relative to the surrounding housing marketing area to determine who is least likely to apply.
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## Section 3, cont'd

- Defining who is least likely to apply
    - With regards to race, in predominantly white areas, these will be people of color; in predominantly minority areas, these will be White groups.
    - Complexes that meet the definition of elderly housing do not have to market to families with children
-

## Worksheet 1—Least Likely to Apply—In Red

	Column 1	Column 2	Column 3	Column 4	Column 5
Demographic Characteristics	Project	Project's Applicant Data	Census Tract	Housing Market Area	Expanded Housing Market Area
% White	95	25	88	85	71
% Black or African-American	2	60	7	5	13
% Hispanic or Latino	2	13	4	8	9
% Asian	0	2	1	2	3
% American Indian or Alaskan Native	0	0	0	0	1
% Native Hawaiian or Other Pacific Islander	0	0	0	0	0
% Persons with disabilities	85	55	17	17	10
% Families with children under the age of 18	0	0	78	85	23
Other (specify)					

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# Go Back to Question 1e

- Name the Housing Market Area
    - E.g. City of East Hartford, New Haven County, etc.
  - Name the expanded housing market area
    - E.g. Hartford MSA, Danbury/Westchester Region
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# Section 4a—Residency Preference

- Preference is not a requirement
    - Preference—people in My Town get a preference
    - Requirement—cannot apply for housing unless you live in My Town
    - Requirement illegal under federal law
    - Cannot use a residency preference under state law
  
  - HUD must approve a residency preference
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## Section 4a—Residency Preference

- Must be in accordance with non-discrimination and equal opportunity requirements of fair housing laws
  - HUD FHEO will not approve if it will have a disparate impact on a protected group
  - In completing Section 4a, must prove it will not have a disparate impact
-

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# Residency Preference—Disparate Impact

- Does the policy have a disproportionate impact on a group of people because of their protected class?
    - Look at statistics
  - Is the policy or practice justified?
    - Can the housing provider show that it is necessary to achieve a substantial, legitimate, non-discriminatory interest of the provider?
  - Is there a less discriminatory alternative?
-

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# Section 4a—Residency Preference

- Before applying for a residency preference—think about why you want one?
  - Is there another way to get the same results without a residency preference?
  - State subsidized housing—no residency preference, point system
    - 10 points for people least likely to apply
    - 10 points for people living in municipality
-

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# Section 4a—Residency Preference

- 1. Type—continuing residency preference or a new residency preference
  
  - 2. Is the preference area the same as the expanded housing market area? Is it the same as the jurisdiction of the PHA?
    - More likely to get approved if the preference area is the same as the expanded housing market area
-

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# Section 4a—Residency Preference

- 3. Geographic area for the residency preference
    - This requires a description, e.g. Hartford MSA, City of Bridgeport, etc.
  - 4. Reason for the residency preference
  - 5. How will residency preference be evaluated to ensure it does not discriminate
-

# Worksheet 2

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
<b>Demographic Characteristics</b>	<b>Project Residents</b> (as determined by Worksheet 1)	<b>Project's Applicant Data</b> (as determined by Worksheet 1)	<b>Census Tract</b> (as determined by Worksheet 1)	<b>Housing Market Area</b> (as determined by Worksheet 1)	<b>Expanded Housing Market Area</b> (if applicable)	<b>Residency Preference Area</b> (if applicable)
% White						
% Black or African-American						
% Hispanic or Latino						
% Asian						
% American Indian or Alaskan Native						
% Native Hawaiian or Other Pacific Islander						
% Persons with disabilities						
% Families with children under the age of 18						
Other (specify)						

# Worksheet 2

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
<b>Demographic Characteristics</b>	<b>Project Residents</b> (as determined by Worksheet 1)	<b>Project's Applicant Data</b> (as determined by Worksheet 1)	<b>Census Tract</b> (as determined by Worksheet 1)	<b>Housing Market Area</b> (as determined by Worksheet 1)	<b>Expanded Housing Market Area</b> (if applicable)	<b>Residency Preference Area</b> (if applicable)
% White	95	25	88	85	71	95
% Black or African-American	2	60	7	5	13	2
% Hispanic or Latino	2	13	4	8	9	2
% Asian	0	2	1	2	3	0
% American Indian or Alaskan Native	0	0	0	0	1	0
% Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0
% Persons with disabilities	85	55	17	17	10	85
% Families with children under the age of 18	0	0	78	85	23	0
Other (specify)						



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# Effect of Residency Preference

- Must predict how a residency preference would affect the outcome of who gets housed
  - Will it have a disparate impact on people in the protected classes?
  - Look at demographics of town where housing is located
  - Why not look at demographics of who is living in the units?
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# Residency Preferences and State Subsidized Housing

- Cannot have a residency preference for State housing
  - Two ways to order a waiting list: Lottery or point system
  - Lottery—no weighting as to gets on the waiting list
  - Point system—can only give points if also give an equal number of points to people least likely to apply
-

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# Section 4b—Proposed Marketing Activities

- Section 4.b—Worksheet 3 Community Contacts
    - Can be social service agencies, religious organizations, advocacy groups, community centers, etc.
    - Column 1—List targeted population
    - Column 2—Community contact including name of person, address, telephone number, previous experience working with the population, date of contact, and role
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# Section 4, cont'd

- Section 4b—Community contacts
    - Identify groups serving those least likely to apply in the housing market area
      - Senior centers
      - Disability rights groups
      - Legal services
      - Ethnic social or advocacy groups, e.g. NAACP
      - Health centers
      - Soup kitchens
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# Section 4c—Methods of advertising

## ■ Advertising

- ❑ Target populations determined in 3b.
  - ❑ All advertisements must include the fair housing logo or statement
  - ❑ Under target population, state reason for choosing this media
  - ❑ Under method of advertising include name of newspaper, website, etc., any languages in which the material will be provided, identify alt. formats
-

## Worksheet 4—Proposed Marketing Activities

<b>Targeted Population/ Methods of Advertising</b>	<b>Targeted Population</b>	<b>Targeted Population</b>	<b>Targeted Population</b>
Newspapers			
Radio Stations			
TV Stations			
Electronic Media			
Bulletin Boards			
Brochures, Notices, Flyers			
Other (specify)			

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# Section 4—Methods of Advertising

- Advertising
    - Some examples of media to target
      - Non-English language newspapers
      - Non-English language radio and television stations
      - Newspapers of general circulation
      - Cable stations that serve the markets of those least likely to apply
      - [www.craigslist.com](http://www.craigslist.com)
      - [www.cthcvp.org](http://www.cthcvp.org)
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## Section 4

- Advertisements depicting persons shall depict persons of majority and minority groups as well as both men and women.
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# Section 5—Collateral Materials

- Section 5.a—Fair housing poster
    - Fair housing poster, with state and federal protected classes must be prominently displayed in rental office, real estate offices, model unit, and any place where units are shown
    - Include both state and federal protected classes
    - [www.ctfairhousing.org](http://www.ctfairhousing.org) has copies of the fair housing poster in English and Spanish
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# Section 5—Collateral Materials

- Section 5b—public inspection of AFHMP
    - AFHMP must be available for public inspection
    - Kept in sales or rental office
  
  - Section 5c—Project Site Sign
    - Must include Equal Housing Opp. logo, slogan, or statement
    - Should be in rental office, model unit, entrance to project, etc.
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# Section 6—Evaluation of Marketing

- Measure of effectiveness of the marketing activities
    - Narrative of evaluation process
    - How you will determine if activities have successfully attracted people least likely to apply
    - How often AFHMP will be evaluated
    - How to make decisions about future marketing activities
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# Section 7a and b—Marketing Staff

- Section 7a—list staff positions responsible for affirmative marketing
    - E.g. office manager, marketing manager, rental manager, etc.
  - Section 7b—Staff training and assessment
    - Must train staff (all staff) on AFHMP and fair housing
    - Assess staff skills—how do you know they understand AFHMP
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# Section 7c and d—Tenant Selection

## ■ Section 7c

- ❑ Must train staff on tenant selection policies
- ❑ List staff positions responsible for tenant selection

## ■ Section 7d

- ❑ Describe staff training on AFHMP, tenant selection policies, and include copies of materials
  - ❑ Training must be on your company's tenant selection policies
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# Common Mistakes

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# AFHMP—Common Mistakes

## ■ No AFHMP

- ❑ “We were told we didn’t have to do one.”
  - ❑ 70% of more than 4,000 subsidized units in Hartford MSA have no AFHMP
  - ❑ AFHMP from 1983 (before several protected classes were added, e.g. familial status, disability, source of income, gender identity or expression)
  - ❑ What’s an AFHMP? Yeah, we don’t have one.
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# AFHMP—Common Mistakes

- Project information incomplete
    - No information on number of units
    - No information on number of units
    - No census tract identified
    - Housing market areas not identified
  - Type of Affirmative Marketing Plan
    - Failure to identify the type of project
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# AFHMP—Common Mistakes

- HUD-approved occupancy
    - ❑ Not checked off; or
    - ❑ All checked off
  - Advertising start date
    - ❑ Nothing filled in when it's an existing project
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# AFHMP—Common Mistakes

## ■ Worksheet 1

- ❑ Not used at all because AFHMP done in 1988
  - ❑ No information on demographics of the waiting list
  - ❑ Demographics on project residents does not make sense, e.g. 100% families with children in an elderly building
  - ❑ Demographic numbers in other columns do not make sense, e.g. 100% White, 100% Black, 100% Latino
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# AFHMP—Common Mistakes

- Direction of Marketing Activities
    - ❑ All boxes checked meaning they are all “least likely to apply”
    - ❑ Native Hawaiian or other Pacific Islander “least likely to apply” even though there are no people in housing market area or expanded housing market area
    - ❑ No marketing to people with disabilities for family housing units
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# AFHMP—Common Mistakes

- Community Contacts
    - Failure to update
      - Group goes out of business; person is no longer employed at community agency
    - Lack of follow through
      - Nothing to show how group was contacted
    - No information on the contact's identification with a group
      - Why are you marketing to this contact?
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# AFHMP—Common Mistakes

## ■ Advertising Program

- ❑ Failure to use multiple types of media
  - ❑ Failure to advertise in the places used by people least likely to apply
  - ❑ Failure to advertise in languages other than English
  - ❑ Did not list media in expanded market area
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# AFHMP—Common Mistakes

- Brochures, Signs, and Fair Housing Poster
    - No posting of state protected classes  
<http://ctfairhousing.org/what-we-do/fair-housing-education-for-housing-providers/>
    - Fair housing logos non-existent or very small
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# AFHMP—Common Mistakes

- Evaluation of Marketing activities
    - Nothing listed
    - No substance—e.g. we will consider this successful if we get people who are least likely to apply to apply
  - Marketing Staff
    - No staff listed
    - Staff members listed by name but person is no longer with the organization
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# AFHMP—Common Mistakes

- Staff Instructions/Training
    - ❑ None listed
    - ❑ Instructions to staff do not include state protected classes
    - ❑ Training provided staff was many years ago
    - ❑ Training on AFHMP and Tenant Selection Policies are generic and not targeted to AFHMP and Tenant Selection Policies for this complex
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**BREAK**

**10 MINUTES**

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Creating an AFHMP

# **EXERCISE**



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# Presented by

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