



Affirmative Fair Housing Marketing Plans (AFHMP)

This document provides basic information on AFHMPs, when they apply to HCD's CDBG-CV grantees, and how grantees can comply with this requirement. For HUD's full AFHMP requirements, please see [HUD Office of Fair Housing and Equal Opportunity's Marketing and Advertising Guidance](#).

1. What is an AFHMP?

An AFHMP is a marketing and outreach plan that housing providers use to strategize how they will target outreach to minority groups in their local community that are least likely to apply for housing opportunities. AFHMPs help to undo the effects of past federally sanctioned discrimination in housing, while helping to prevent unlawful discrimination against protected classes in current housing transactions (rental and home sales).

The goal is 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.” (24 CFR 200.610)

2. Who must complete an AFHMP?

An AFHMP must be completed and submitted by owners/developers of all Federal Housing Administration (FHA) subsidized and unsubsidized multifamily housing programs. It must be approved by HUD 90 days prior to starting any marketing or advertising activities and is effective for the life of the mortgage. It applies to:

- Multifamily housing programs with five or more lots, units or spaces
- When a developer sold or intends to sell 5+ properties with HUD mortgage insurance in the past 12 months or within the next 12 months

3. How do AFHMPs relate to the Fair Housing Act?

The Fair Housing Act provides federal protection to ensure everyone has equal access to housing and prohibits discrimination against protected classes.

The AFHMP specifically speaks to [Section 808\(e\)\(5\) of the Fair Housing Act](#) to “administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter”.

The AFHMP furthers the Fair Housing Act by specifically targeting marketing activities toward minority groups within the local community who are least likely to know of or apply for the housing. Those minority groups may not be recognized as minorities

nationwide, but the AFHMP is targeted towards whoever represents a minority within the community.

4. What are the federally protected classes?

The 7 federally protected classes are listed below. They are important to the AFHMP because they may include demographics that are the “least likely to know of or apply for housing.”

- Race
- Color
- Religion
- Sex
- National origin
- Familial status
- Disability

Demographic data (race, age, disability status, etc.) to support the assumptions of who is “least likely to know about or apply”, can be found by viewing census tracts on [Census.gov](https://www.census.gov). The [HUD AFFH-Tool](#) can also be used. If the applicant is a property owner, resident data can also be used.

5. How is an AFHMP created?

Owners/agents/developers complete the HUD AFHMP form 90 days prior to beginning any marketing. All completed information should be submitted to the local HUD office.

There are the following HUD Forms by property type:

Property Type	HUD Form
Multifamily and manufactured home parks (5 + lots/units/spaces)	HUD-935.2A
Single family	HUD-935.2B
Condominiums or cooperatives Residential	HUD-935.2C
care facilities	HUD-935.2D ORCF

6. What areas need to be addressed in an AFHMP?

There are four main components to focus on when creating an inclusive AFHMP. As an AFHMP is reflective of its local community, careful research should be done into its demographic makeup as well as potential community partners for publicizing your housing opportunities. Use your findings to set internal goals for the demographics of applicants for your housing; so, you can evaluate how effective your AFHMP is. Also, ensure staff are appropriately trained so they understand how to carry out the plan.

- Targeting.** Identify the demographic groups least likely to apply for housing.

- ii. **Outreach.** Demonstrate meaningful outreach attempts to ensure these demographic groups know how to access housing opportunities (e.g., publication advertisements, church partnerships).
- iii. **Indicators.** Evaluate success of the marketing plan in attracting housing applicants who are:
 - Underrepresented in the housing market where housing programs exist,
 - Individuals with disabilities,
 - Families with children, or
 - Other members of the federally protected classes
- iv. **Staff training.** Identify who is responsible for fair housing in your organization and provide additional written and oral training in Federal, State, and local fair housing laws. Staff should understand and practice the purpose and objectives of the AFHMP and how to perform outreach and select applicants.

7. What are other AFHMP requirements?

Aside from the completion and submission of the HUD AFHMP form, owners/developers are required to perform other activities to fulfill HUD's marketing and advertising policies:

- All advertising shall include either the [HUD-approved Equal Housing Opportunity logo](#) or slogan or the 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 because of race, color, religion, sex, or national origin."* (24 CFR 200.620(f)).
 - Prominently display in all offices in which sale or rental activity pertaining to the project or subdivision takes place and include in any printed material used in connection with sales or rentals
- All advertising depicting persons shall depict people of majority and minority groups, including both sexes.
- 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.
- Specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office.
- At least 90 days prior to beginning marketing again, owners/developers must submit the Notification of Intent to Begin Marketing to the local HUD office.
- The AFHMP must be made available for public access on the property after the plan has been approved by HUD.

8. When does the AFHMP need to be revised?

An affirmative marketing program shall be in effect for each multifamily project throughout the life of the mortgage. It will need to be renewed every 5 years with the new Consolidated Plan or when there are significant demographic changes to the target area that will affect who should be considered the least likely to apply.

9. What are common compliance issues?

The list below includes common AFHMP compliance issues. Avoid these issues to ensure AFHMP is approved quicker by HUD so marketing activities can begin for your property in a timely manner.

- Incomplete information (e.g., missing the number or price of units or the housing market area)
- Insufficient research into the demographic makeup of the local community to identify which specific groups are least likely to apply (e.g., all ethnic groups are listed on the HUD AFHMP form as “least likely to apply”)
- Failure to advertise in places used by people who have been deemed “least likely to apply”
- Lack of follow-up with community contacts to ensure the housing opportunities have been advertised
- No standards to evaluate if the AFHM Plan was effective
- More training needed for staff on fair housing laws

10. What are the penalties for non-compliance?

Owners/agents/developers that do not comply with AFHMP policies may be denied further participation in HUD programs and referred to the U.S. Department of Justice for suit by the United States for injunctive or other appropriate relief.

