

**NORTH DAKOTA**  
**housing**  
FINANCE AGENCY

**NATIONAL HOUSING TRUST FUND**

**AFFIRMATIVE FAIR HOUSING  
MARKETING PLAN GUIDANCE**

North Dakota Housing Finance Agency  
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*Equal Housing  
Opportunity*

## **FREQUENTLY ASKED QUESTIONS**

### ***What Is Fair Housing?***

Fair housing, enshrined in the federal Fair Housing Act, is the right to choose housing free from unlawful discrimination. Individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, national origin, religion, sex, age, disability, or familial status. Discrimination is illegal in housing transactions such as rentals, sales, lending, and insurance.

### ***What Is An Affirmative Fair Housing Marketing Plan?***

Many federal housing programs require the creation and implementation of an Affirmative Fair Housing Marketing Plan (AFHM Plan). The AFHM Plan is a marketing strategy designed to attract renters of all majority and minority groups, regardless of sex, disability, familial status, etc., to federally-assisted rental projects which are being marketed. It is not enough to simply not discriminate; affirmative steps must be taken to attract as tenants those who are least likely to apply without special outreach efforts. The Plan describes initial advertising, outreach, and other marketing activities which inform potential renters of the existence of the units. Affirmative fair housing marketing practices must be utilized in soliciting renters, determining their eligibility, and completing all transactions.

### ***Who Should Create An Affirmative Fair Housing Marketing Plan?***

All projects of five or more units which receive assistance from the National Housing Trust Fund (HTF) must create an AFHM Plan. No applications for HUD programs (which includes the HTF) may be funded without an approved AFHM Plan.

### ***How Long Does The AFHM Plan Last And How Often Is It Updated?***

The AFHM Plan remains in force throughout the HTF compliance period. AFHM Plans must be reviewed at least every five years or when there are significant changes in the demographics of the project or the local housing market area.

### ***Where Can I Find More Information?***

Please visit HUD's website at [www.hud.gov](http://www.hud.gov) for additional information on Fair Housing as well as AFHM forms and guidelines.

## **PROJECT OWNER RESPONSIBILITIES**

All owners must comply with the following requirements for the duration of the HTF compliance period.

### ***Advertising***

The Equal Housing Opportunity logo or slogan must be used in all signs, ads, brochures, and written communications. Advertising media may include, but is not limited to, any local newspaper, radio or television, brochures, leaflets, bulletin boards, project signs, or other housing organizations.

### ***Fair Housing Poster***

Owners must display the HUD Fair Housing poster (Form HUD-928.1) in all rental offices and locations where potential tenants may likely come to apply for housing. HUD's Fair Housing poster can be found at [https://portal.hud.gov/hudportal/documents/huddoc?id=Fair\\_Housing\\_Poster\\_Eng.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=Fair_Housing_Poster_Eng.pdf).

### **Project Sign**

Owners must post in a conspicuous position on all project sites a sign displaying prominently either the HUD Equal Housing Opportunity logo or slogan or statement.

### **Submission of an Affirmative Fair Housing Marketing Plan**

Owners shall submit an AFHM Plan to North Dakota Housing Finance Agency (NDHFA). NDHFA will also review, as part of ongoing compliance monitoring, the owner's efforts to regularly review the AFHM Plan, assess its effectiveness, and make appropriate adjustments to it.

### **Record Keeping**

Owners must maintain a file at the project's office which contains documentation of all marketing efforts (copies of newspaper ads, memos of phone calls, copies of letters, brochures, flyers, etc.) The marketing file must also include the approved AFHM Plan.

Owners must maintain a listing of all tenants and applicants. The list must include the unit number, if applicable, the tenant/applicant race, whether they have children, and how they became aware of the availability of the unit(s).

These records must be retained for a period of five (5) years and be available for inspection by NDHFA upon request.

### **Good Faith Effort**

The effectiveness of an AFHM Plan will be measured not by quotas, but by an examination of the effort utilized in the implementation of the marketing plan. During the annual review, NDHFA will be seeking evidence of good faith efforts on the part of property owners to effectively utilize their plans. Owners must keep documentation of all marketing efforts during the year so they may be reviewed annually in order to determine if owners have acted in good faith in following their plan.

## **OVERVIEW OF THE AFHM PLAN**

The creation of an AFHM Plan can be broken down into the following four (4) areas:

1. **Targeting:** Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts. This is done by first establishing a housing market area. This is the area where you will reasonably expect to find tenants who wish to apply for units at the property. This can be a census tract, multiple tracts, a city, county, or more than one county. Once the area is defined, review the demographic information for the area to determine what groups of people living in your area are the least likely to apply to live in your project without special outreach efforts. Information can be obtained by using the American Fact Finder tool at the census website: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
2. **Outreach:** Outline an outreach program which includes special measures designed to attract those groups identified as least likely to apply, and other efforts designed to attract persons from the total eligible population.
  - a. *Community Contacts.* The housing provider must list at least one community organization that serves each group determined to be least likely to apply and who has agreed to help the provider in their marketing efforts. In the plan, include the name of the contact person, contact information, experience working

- with the target population, as well as the number and language of materials to be provided to such agencies.
- b. *Media.* The housing provider should specify the particular means of advertising to reach a target group and the reasoning behind the particular type of advertising. Advertisements should include the Fair Housing logo.
  - c. *Expanded Housing Market.* If the immediate housing market area is not demographically diverse enough to draw applicants considered “least likely to apply”, then an expanded housing market area should be used.
3. **Indicators:** State the indicators to be used to measure the success of the marketing program.
    - a. Maintain a listing of all tenants and applicants, including unit number (if applicable), along with their race, utilization or request for an accessible unit, whether or not the household has children, and how they became aware of the availability of the housing unit(s).
    - b. In addition, comparing the number of units now occupied by persons previously determined to be “least likely to apply” and the number of people least likely to apply on the waiting list prior to and after the marketing process is a good starting place for the evaluation.
  4. **Staff Training:** Demonstrate the capacity to provide training and information on fair housing laws and objectives to sales or rental staff.

**DEVELOPING THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN**

Form HUD-935.2A should be used to create the project’s AFHM Plan. For purposes of the HTF, the form need only be submitted to NDHFA for review and approval. **It does not need to be submitted to HUD.** The instructions below will aid in the completion of Form HUD-935.2A, which can be found on NDHFA’s website ([www.ndhfa.org](http://www.ndhfa.org)) or at HUD’s website ([www.hud.gov](http://www.hud.gov)).

Box	Instructions
1a.	This item is self-explanatory. The most frequent omission is the County.
1b.	Not applicable.
1c.	List total number of units in the project.
1d.	Provide the census tract for the location of the project. This information can be found at the following link. Type the project’s address and click “GO”. <a href="http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=addr&amp;refresh=t">http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=addr&amp;refresh=t</a>
1e.	List the housing market area (town/city/county) form which the owner/agent intends to draw applicants. If the immediate housing market area (i.e. City) is not demographically diverse enough to draw applicants which were identified as least likely to apply, an expanded housing market area (i.e. County) should be listed to increase the diversity of individuals to be reached by the marketing efforts.
1f.	Provide the name, address, phone number, and email address of the management agent.
1g.	Provide the name, address, phone number and email address of the owner.
1h.	Check the box to identify which entity will be responsible for marketing (owner, agent, or other). Also, please identify the name, address, telephone and email of the person within that entity who will be responsible for implementing the marketing plan.
1i.	Provide a contact person to whom all correspondence (including approval of this plan) should be sent. Please provide name, address, telephone number and email for this contact person.

2a.	If this AFHM Plan is for a new project, please select “Initial Plan” and list the date the plan is being submitted. If this is an update to an existing plan, please select “Updated Plan” and list the date that the plan is being submitted. If you select “Updated Plan”, please include a reason for the update, i.e. over five years old, new management agent, addition or removal of community contacts, etc.
2b.	Select the occupancy type of the project (exclusively elderly, family, elderly and disabled, disabled).
2c.	List the date of initial occupancy (existing projects will have a date in the past, and new projects will have an anticipated date).
2d.	List the date that you plan to begin marketing the property. This date should be at least 90 days prior to initial occupancy for new projects. For existing projects please indicate the date advertising will begin and also indicate the purpose of the advertising: i.e. to fill vacancies, add applicants to a waiting list, etc. Also, please provide the number of applicants currently on the waiting list.
3a	<p>Utilize <b>Worksheet 1</b> of Form HUD-935.2A to complete this box. Worksheet 1 is designed to assist in identifying which groups of applicants might need additional outreach to apply for housing at the subject project.</p> <p>Worksheet 1</p> <ul style="list-style-type: none"> <li>• <b>Project %:</b> List the percentage of individuals from each demographic category that reside in the project.</li> <li>• <b>Waiting List %:</b> List the percentage of individuals from each demographic category that are on the project’s waiting list.</li> <li>• <b>Census Tract %:</b> List the percentage of individuals from each demographic category that resides in the project’s census tract. To obtain the most meaningful information, use demographic data for those who would be eligible for housing in the designated area. For example, if the subject property is for seniors, the census information should be limited to seniors in the designated area. Subsets of demographic information can be obtained by various categories, i.e. age, income, etc. Information can be obtained by using the American Fact Finder tool at the census website: <a href="http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml">http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml</a></li> <li>• <b>Housing Market Area %:</b> List the percentage of individuals from each demographic category that reside in the project’s housing market area (where the applicants to the subject project are expected to be drawn from). Demographic data for this area will also be obtained by reviewing the applicable census data.</li> <li>• <b>Expanded Housing Market Area %:</b> (If applicable) List the percentage of individuals from each demographic category that reside in the project’s Expanded Housing Market Area (the larger region from which to pull applicants if the Housing Market Area is insufficient). Expanded Housing Market Areas should be utilized if the standard housing market area is not sufficiently diverse to attract demographic groups who may be underrepresented as tenants at the project or underrepresented on the waiting list. If the current occupancy AND waiting list AND Housing Market Area are not demographically diverse, applicants must utilize an Expanded Housing Market Area.</li> </ul>
3b.	Based on the data listed in Worksheet 1, indicate which groups are in need of additional outreach to apply for housing at the project. This determination can be made by comparing the Project and Waiting List percentages against the Census and Housing Market Area percentages. If each group in the community is appropriately represented in the project and/or waiting list, then that particular group does not need

	extra outreach. However, if the Project and Waiting List percentages are less than the percentage in the general community, then that particular group does require additional outreach and should be checked in Box 3b.
4a.	Indicate if the project is requesting or have been previously approved for a geographic residency preference. This will likely be not applicable to this North Dakota project, but if it is use <b>Worksheet 2</b> .
4b.	Utilize <b>Worksheet 3</b> to complete Box 4b. List a specific community contact for each group identified in Box 3b as needing extra outreach. Worksheet 3 <ul style="list-style-type: none"> <li>• <b>Targeted Population:</b> List each group identified in Box 3b as requiring extra outreach to apply for housing.</li> <li>• <b>Community Contacts:</b> List specific community contacts for each group listed in Box 3b. Generic community contacts (for example, housing authorities) are not generally acceptable community contacts but they may be used in addition to listed acceptable community contacts. <ul style="list-style-type: none"> <li>○ List the agency name</li> <li>○ List the contact person and their position at the agency</li> <li>○ List the contact's address, phone, and email</li> <li>○ Explain the agency's experience with the targeted population</li> <li>○ Explain how the agency will assist in informing the targeted population about the project's housing availability</li> <li>○ Provide the anticipated date on which the agency will begin to contact the targeted population</li> </ul> </li> </ul>
4c.	Utilize <b>Worksheet 4</b> to complete Box 4c. List specific methods of advertising that will be used to reach each group identified in Box 3b as needing extra outreach. Attach examples of the advertising with this plan. Worksheet 4 <ul style="list-style-type: none"> <li>• <b>Method of Advertising:</b> List names of newspaper, radio stations, TV stations, electronic media, bulletin boards, brochures, notices, flyers, as applicable, which will be utilized in marketing efforts.</li> <li>• <b>Targeted Population:</b> For each method of advertising, list the targeted audience, state any language(s) other than English that the information will be provided in, and identify any alternative format(s) to be used, i.e. Braille, large print, etc.</li> </ul>
5a.	Check off each location where the HUD Fair Housing Poster will be displayed.
5b.	Check off each location where the AFHM Plan will be made available for public inspection.
5c.	Check off each location where the project sign will be displayed, as well as note the size of the Equal Housing Opportunity logo, slogan, or statement on the sign.
6.	Explain the process for evaluating the marketing efforts noted in this plan. How often will the effectiveness of the plan be evaluated? (Minimum annually.) If it is determined that the plan is not successful, describe steps that will be taken to modify the plan as needed.
7a.	List the name and position of the staff that will be responsible for marketing efforts.
7b. and 7c.	Complete the required information regarding staff training on the AFHM Plan, Fair Housing and on overall tenant selection. While one person may be the responsible party for marketing efforts, all staff must be trained and be familiar with the AFHM Plan and Fair Housing Act requirements. This training component will play a major role in the assessment of whether Good Faith Efforts are being made to implement the plan and train staff.

7d.	Provide samples of training materials and provide dates when the training was or will be conducted.
8.	List any additional considerations that should be noted regarding the project's marketing activities.
9.	Sign and date the form. This indicates that the owner/agent agrees to participate in an annual review of the plan and will maintain records of all marketing activities in a file at the project office.

## **AMERICAN FACTFINDER WEBSITE TUTORIAL**

The demographic information needed to complete the AFHM Plan (Form HUD-935.2A) can be obtained from the American Fact Finder tool at the United States Census website:

<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

Information about three demographic areas must be found: Race, Disability, and Families with Children Under 18. You will need to obtain information on these three demographic groups for two or three geographic areas: Census Tract, City (Housing Market Area), and County (Expanded Housing Market Area, if necessary). This will result in the need to run six or nine reports using the American Fact Finder.

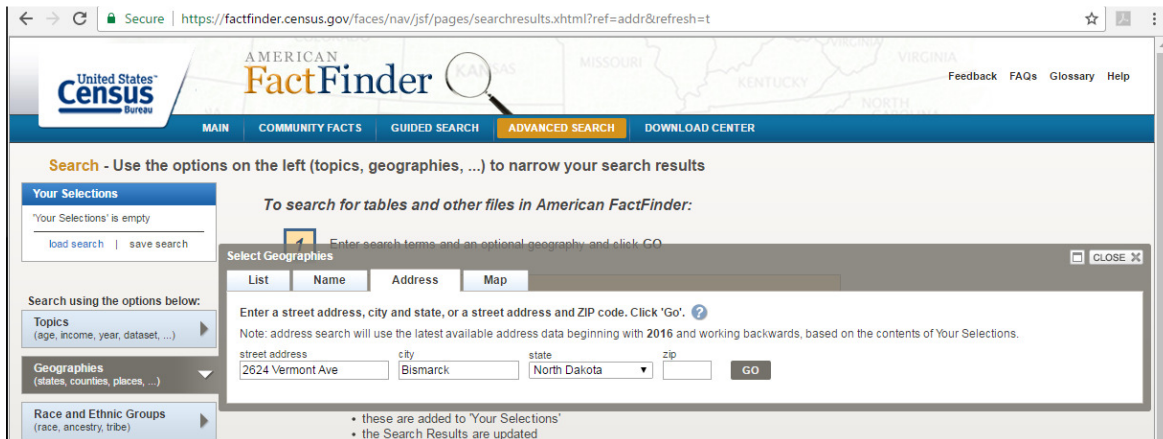
### ***Race***

**Step 1:** First, find the census tract for the project. Click on the street address link under "Address Search".

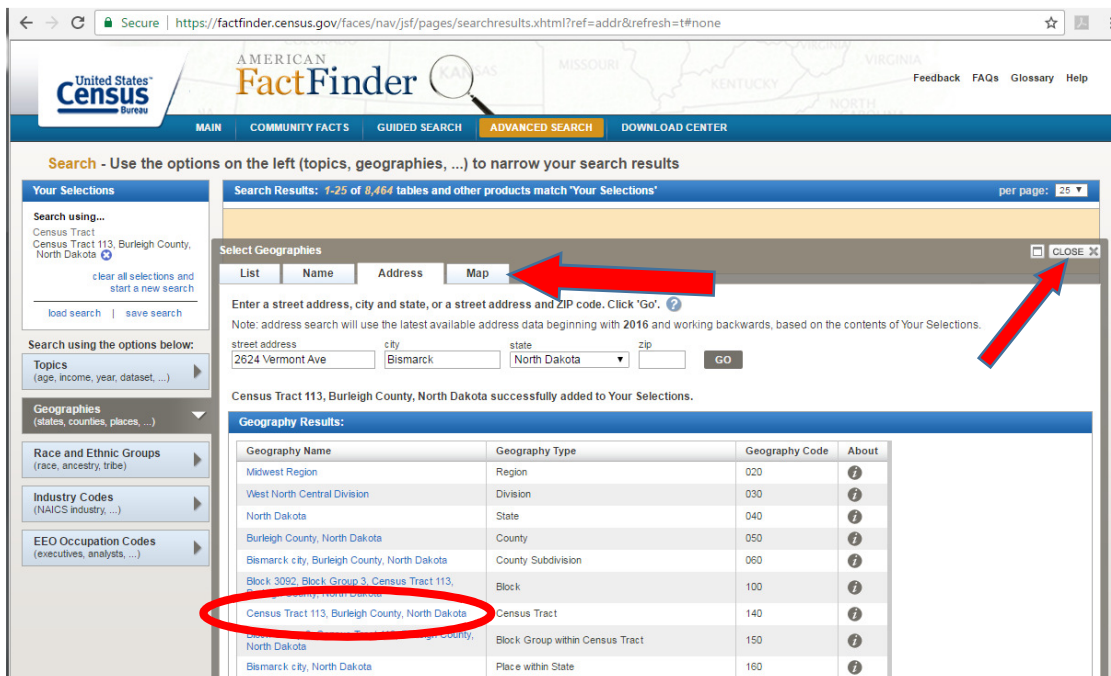
The screenshot shows the American FactFinder website interface. At the top, there is a navigation bar with links for 'MAIN', 'COMMUNITY FACTS', 'GUIDED SEARCH', 'ADVANCED SEARCH', and 'DOWNLOAD CENTER'. Below this is a search area with a text input field containing 'Atlanta, GA' and a 'GO' button. To the right of the search area is a large image of a smiling family. Below the search area, there are several sections: 'Community Facts', 'Guided Search', 'Advanced Search', and 'Download Center'. Under 'Community Facts', there are links for 'Population and Housing', 'Poverty and Income', 'Ages, Race, Sex and Education', and 'Selected Social Characteristics'. At the bottom of the page, there is a section titled 'Address Search' which is circled in red. This section contains the text 'Find Census data by entering a street address.' and a magnifying glass icon.



**Step 2:** Enter the project's address in the applicable fields and click GO.

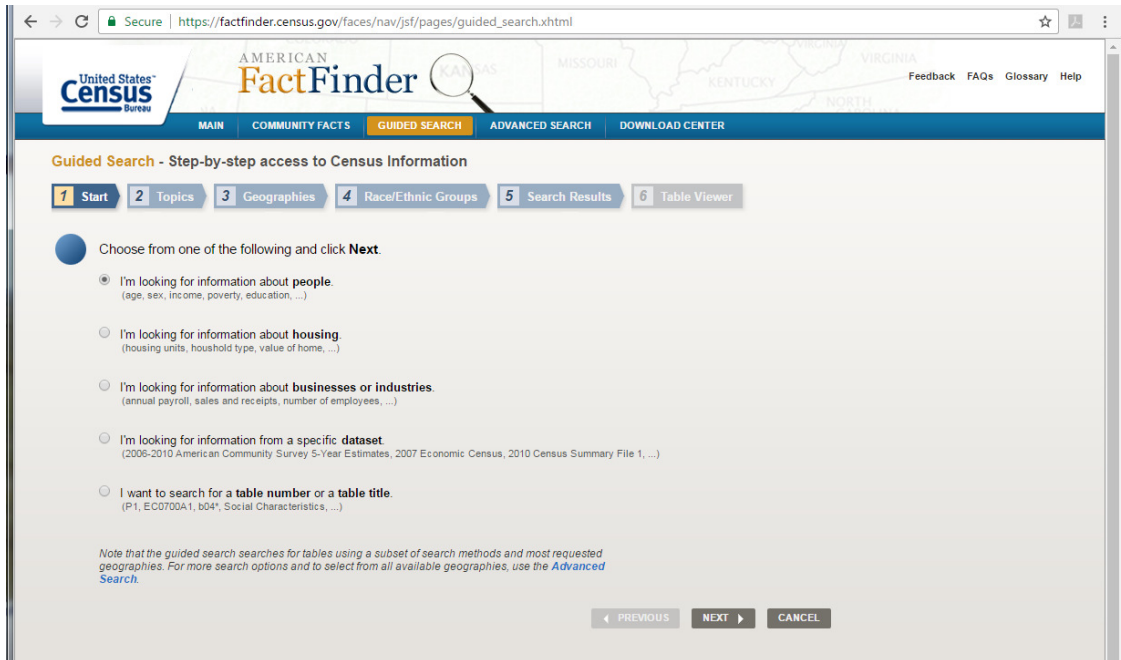


**Step 3:** Identify the census tract for the subject property. In this example, the census tract is 113. Click on the Map tab and print the map of the census tract to retain with your AFHM Plan records. When done, close the “Select Geographies” window. Now you’re ready to obtain the demographic information that you need for that census tract.



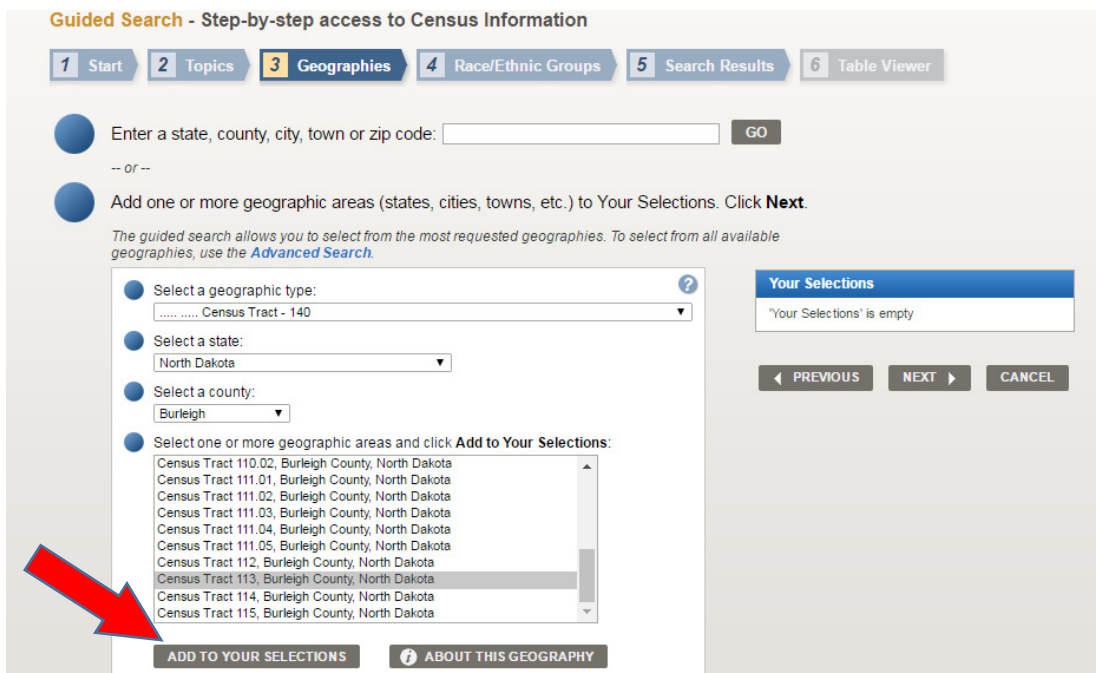


**Step 4:** Click on “Guided Search” on the blue menu bar toward the top of the page. Select “I’m looking for information about people.” Click NEXT.



**Step 5:** Select nothing for panel 2, “Topics”. Race and ethnicity are found on a later panel. Click NEXT through this panel.

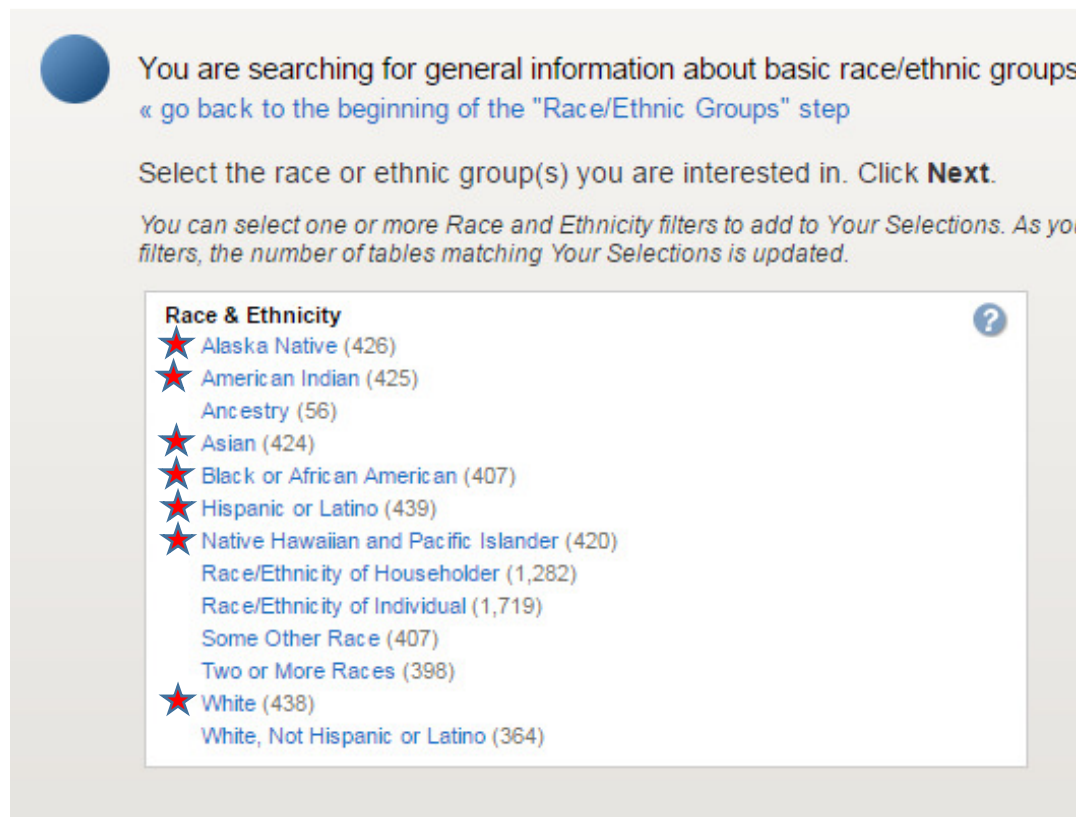
**Step 6:** On panel 3, “Geographies”, select “Census Tract” as the geographic type, select North Dakota, the applicable county, and the applicable census tract. Click “Add to Your Selections”. Click NEXT when done.



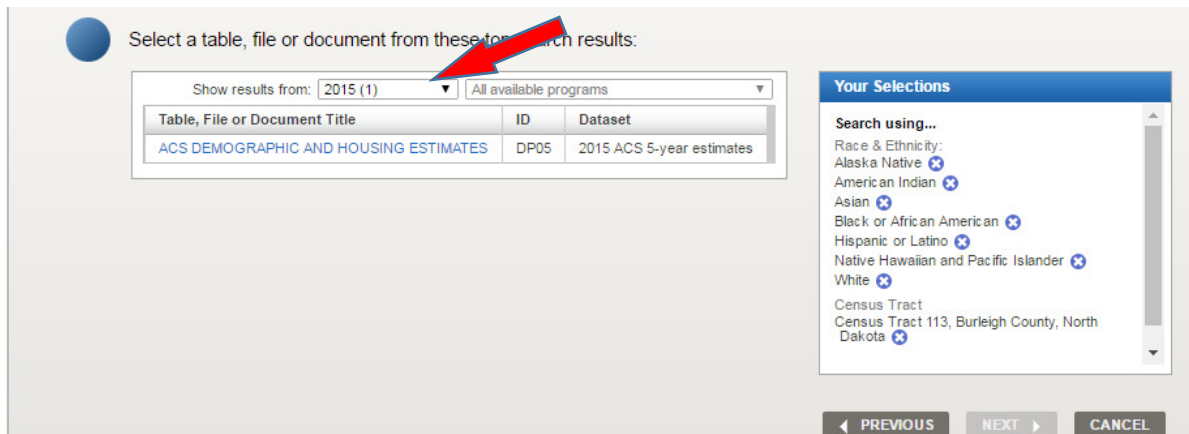
**Step 7:** On panel 4, “Race/Ethnic Groups”, click “Select From Basic Groups”.



**Step 8:** From the dropdown list of races and ethnicities, select the ones required for the AFHM Plan. They will be added to “Your Selections” as you click on them. When finished, click NEXT.



**Step 9:** On panel 5, narrow the list of available reports in the search results by selecting the most recent year under the “Show results from:” dropdown menu. Select the “ACS Demographic and Housing Estimates” table to view the data.



**Step 10:** Obtain the necessary information and print the report for your records.

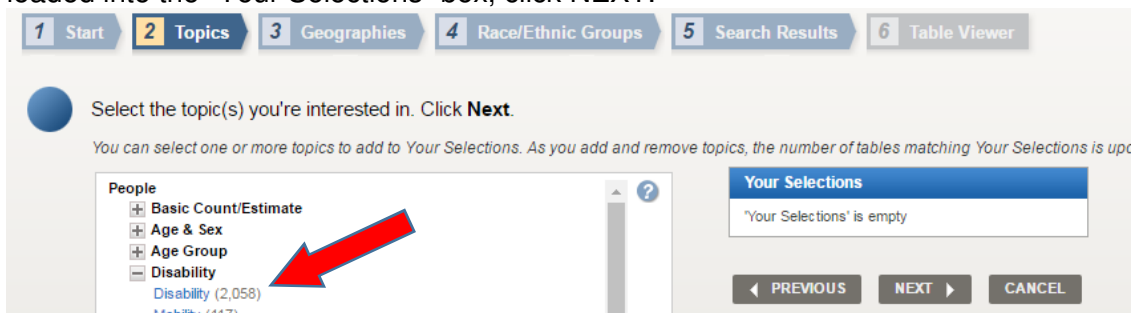
Subject	Census Tract 113, Burleigh County, North Dakota			
	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>Race alone or in combination with one or more other races</b>				
Total population	6,642	+/-330	6,642	(X)
White	6,294	+/-207	94.8%	+/-4.2
Black or African American	36	+/-36	0.5%	+/-0.5
American Indian and Alaska Native	387	+/-30	5.8%	+/-4.3
Asian	1	+/-1	0.0%	+/-0.1
Native Hawaiian and Other Pacific Islander	13	+/-13	0.2%	+/-0.3
Some other race	4	+/-4	0.1%	+/-0.1
<b>HISPANIC OR LATINO AND RACE</b>				
Total population	6,642	+/-330	6,642	(X)
Hispanic or Latino (of any race)	79	+/-51	1.2%	+/-0.8

Repeat the process at the City level (called “Place” in the Factfinder system) (this would be your Housing Market Area) and the County level (this would be your Expanded Housing Market Area, if needed). Make sure to clear all of your old selections in the “Your Selections” box before beginning a new search.

### Persons with Disabilities

Steps 1 through 4 are the same as for **Race**.

**Step 5:** On panel 2, select “Disability” as the topic for which you want data. Once “Disability” is loaded into the “Your Selections” box, click NEXT.



Step 6 is the same as for **Race**.

Step 7: On panel 4, select “Skip This Step”.

Step 8: On panel 5, “Search Results”, make sure the most recent year of available data is selected and choose the “Disability Characteristics” table to view.

Guided Search - Step-by-step access to Census Information

1 Start 2 Topics 3 Geographies 4 Race/Ethnic Groups 5 Search Results 6 Table Viewer

Select a table, file or document from these top search results:

Table, File or Document Title	ID	Dataset
★ DISABILITY CHARACTERISTICS	S1810	2015 ACS 5-year estimates
★ SEX BY AGE BY DISABILITY STATUS	B18101	2015 ACS 5-year estimates
★ SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES	DP02	2015 ACS 5-year estimates

Your Selections

Search using...  
 People: Disability  
 Census Tract  
 Census Tract 113, Burleigh County, North Dakota  
 matching your selections: 209

PREVIOUS NEXT CANCEL

Step 9: Obtain the necessary information and print the report for your records.

Subject	Census Tract 113, Burleigh County, North Dakota						
	Total		With a disability		Percent with a disability		
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	
Total civilian noninstitutionalized population	6,621	+/-327	345	+/-99	5.2%	+/-1.4	
SEX							
Male	3,519	+/-203	216	+/-71	6.1%	+/-2.0	
Female	3,102	+/-207	129	+/-46	4.2%	+/-1.6	
RACE AND HISPANIC OR LATINO ORIGIN							
White alone	6,184	+/-206	334	+/-92	5.4%	+/-1.5	

Repeat the process at the City level (called “Place” in the Factfinder system) (this would be your Housing Market Area) and the County level (this would be your Expanded Housing Market Area, if needed). Make sure to clear all of your old selections in the “Your Selections” box before beginning a new search.

## Families with Children Under the Age of 18

Steps 1 through 4 are the same as for **Race**.

**Step 5:** On panel 2, select “Age Group” as the topic for which you want data. Select “Children” to load into the “Your Selections” box. Click NEXT.

The screenshot shows the American FactFinder Guided Search interface. The navigation bar includes 'MAIN', 'COMMUNITY FACTS', 'GUIDED SEARCH', 'ADVANCED SEARCH', and 'DOWNLOAD CENTER'. The current step is '2 Topics'. The 'Age Group' topic is selected, and 'Children' is added to the 'Your Selections' box. A red arrow points to the 'Children' selection. The 'Your Selections' box shows 'Search using...' with 'Census Tract' and 'Census Tract 113, Burleigh County, North Dakota' selected. The number of tables matching the selections is 8,464.

Step 6 is the same as for **Race**.

**Step 7:** On panel 4, select “Skip This Step”.

**Step 8:** On panel 5, “Search Results”, make sure the most recent year of available data is selected and choose the “Households and Families” table to view.

The screenshot shows the American FactFinder Guided Search interface. The navigation bar includes 'MAIN', 'COMMUNITY FACTS', 'GUIDED SEARCH', 'ADVANCED SEARCH', and 'DOWNLOAD CENTER'. The current step is '5 Search Results'. The 'Households and Families' table is selected, and the year 2015 is selected. A red star is placed over the 'Households and Families' table. The 'Your Selections' box shows 'Search using...' with 'People Age Group: Children', 'Census Tract', and 'Census Tract 113, Burleigh County, North Dakota' selected. The number of tables matching the selections is 696.

Table, File or Document Title	ID	Dataset
GRANDPARENTS	S1002	2015 ACS 5-year estimates
HOUSEHOLDS AND FAMILIES	S1101	2015 ACS 5-year estimates
AGE AND NATIVITY OF OWN CHILDREN UNDER 18 YEARS IN FAMILIES AND SUBFAMILIES BY NUMBER AND NATIVITY OF PARENTS	B05009	2015 ACS 5-year estimates

**Step 9:** Obtain the necessary information and print the report for your records.

Census Tract 113, Burleigh County, North Dakota								
Subject	Total		Married-couple family household		Male householder, no wife present, family household	Female householder, no husband present, family household		Estimate
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error		
Total households	2,308	+/-105	1,676	+/-122	47		+/-29	
Average household size	2.80	+/-0.13	3.14	+/-0.15	2.55		+/-0.40	
<b>FAMILIES</b>								
Total families	1,903	+/-101	1,676	+/-122	47		+/-29	
Average family size	3.09	+/-0.13	3.13	+/-0.14	2.19		+/-0.27	
<b>AGE OF OWN CHILDREN</b>								
Households with own children of the householder under 18 years	1,002	+/-94	822	+/-102	40		+/-26	
Under 6 years only	31.5%	+/-8.9	33.8%	+/-9.8	40.0%		+/-34.4	
Under 6 years and 6 to 17 years	30.7%	+/-8.7	29.2%	+/-9.2	15.0%		+/-21.1	
6 to 17 years only	37.7%	+/-6.3	37.0%	+/-7.1	45.0%		+/-34.2	
Total households	2,308	+/-105	1,676	+/-122	47		+/-29	
<b>SELECTED HOUSEHOLDS BY TYPE</b>								
Households with one or more people under 18 years	45.5%	+/-3.9	50.4%	+/-4.5	85.1%		+/-19.7	
Households with one or more people 65 years and over	20.4%	+/-2.9	21.2%	+/-3.8	10.6%		+/-16.4	
Householder living alone	15.0%	+/-3.1	(X)	(X)	(X)		(X)	
65 years and over	2.6%	+/-1.7	(X)	(X)	(X)		(X)	
UNMARRIED-PARTNER HOUSEHOLDS								

Repeat the process at the city level (called “Place” in the Factfinder system) (this would be your Housing Market Area) and the County level (this would be your Expanded Housing Market Area, if needed). Make sure to clear all of your old selections in the “Your Selections” box before beginning a new search.