

## Appendix D – Affirmative Marketing provisions

C1. Mandatory requirements ensuring affirmative marketing.
C2. Scoring that incentivizes affirmative marketing.

Total States with the above provisions in the QAP: 31 states

State	Provision(s)
AK	<ul style="list-style-type: none"> <li>Affirmative marketing efforts are included as an area for compliance monitoring (p. 44)</li> <li>Project records must include evidence supporting that the project Affirmative Marketing efforts are ongoing and directed toward towards the appropriate tenant population (p. 45)</li> <li>Design requirements for all construction and rehabilitation projects must include Equal Opportunity in regard to marketing and tenant selection (affirmative marketing procedures), and reasonable accommodation and modification for those tenants covered under the law (p. 4)</li> </ul>
CT	<ul style="list-style-type: none"> <li>[Threshold] Applicant must commit to making ongoing efforts to request that PHAs in the local market area include relevant information about the Proposed Development on any listing that the PHA makes available to persons on its waiting list(s), and to persons least likely to apply (p. 10)</li> </ul>
DE	<ul style="list-style-type: none"> <li>If a property receives funding from the following sources: HOME funds, Housing Assistance Payment (HAP) contract funds, HDF funds, or LIHTC funds allocated in 2002 to present, an Affirmative Fair Housing Marketing Plan (AFHMP) must be reviewed and approved by either DSHA or HUD. This plan must be updated every 5 years (p. 73)</li> <li>Applicants must agree to market their developments to the local public housing waiting lists and/or Section 8 existing waiting lists (p. 35)</li> </ul>
GA	<ul style="list-style-type: none"> <li>[Threshold] All Applicants selected for an award of Credits must prepare and submit an Affirmative Fair Housing Marketing Plan (AFHMP) outlining how the project will market units to underserved residents including residents with disabilities (Appx. I, p. 40-41)</li> <li>[Threshold] AFHMP must include formal documented strategy and outreach examples for individuals with Limited English Proficiency (LEP) for languages identified as being prevalent in the surrounding market area (Appx, p. 41)</li> </ul>
IL	<ul style="list-style-type: none"> <li>Projects applying for the 4% Tax Credits must submit an Affirmative Fair Housing Marketing Plan (p. 9)</li> </ul>
IN	<ul style="list-style-type: none"> <li>All developments that receive a tax credit reservation are required to create an Affirmative Fair Housing Marketing Plan (p. 49)</li> </ul>
IO	<ul style="list-style-type: none"> <li>The Ownership Entity must submit the Affirmative Fair Housing Marketing Package at least 120 days prior to the first Unit placing in service (p. 33)</li> </ul>

LA	<ul style="list-style-type: none"> <li>• [Threshold] Owners must market to and rent to low-income households referred by the LHA/OCD, and/or the local PHA if the tenants satisfy the requirements of the Project’s Management and/or Operating Plan (p. 14)</li> </ul>
MA	<ul style="list-style-type: none"> <li>• [Threshold] Each sponsor must provide a narrative describing how the project location and type, tenant selection plan, and other applicable policies and procedures will further the Department’s Fair Housing Principles. The narrative also should clearly describe the efforts that will be made to ensure affirmative fair housing marketing and outreach to those households and individuals least likely to apply for the affordable units within a project (p. 36-37)</li> <li>• Given some marketing issues that some assisted living projects have encountered, DHCD may require significant additional documentation from sponsors of such projects on how they will market successfully over time (p. 45)</li> <li>• HCD requires developers to establish affirmative fair housing marketing goals for occupancy of each project, taking into account the demographics of the region in which the housing is located. Developers must establish effective marketing plans to reach the identified minority groups that are least likely to apply for the housing being provided, including an affirmative fair housing marketing plan for all units and a tenant selection plan for low-income units. QAP outlines the percentage goals for occupancy of low-income units which reflect the racial and ethnic composition of the City of Boston (p. 63)</li> <li>• DHCD requires a detailed marketing plan for all projects. The plan must indicate in detail how the sponsor intends to market to and attract underserved populations to the project, indicating persons with disabilities and minority households. 20 points available and 12 required minimum for marketability (p. 45)</li> </ul>
MD	<ul style="list-style-type: none"> <li>• [Threshold] All application must include a certification that the project will develop and implement an Affirmative Fair Housing Marketing Plan (GUIDE, p. 22)</li> </ul>
MI	<ul style="list-style-type: none"> <li>• [Threshold] Applicants must submit an Affirmative Fair Housing Marketing Plan consistent with MSHDA requirements (p. 21)</li> </ul>
MN	<ul style="list-style-type: none"> <li>• Affirmative Fair Housing Marketing Regulations, held as centrally important by Minnesota Housing, require that each applicant carry out an affirmative marketing program to attract prospective buyers or tenants of all majority and BIPOC groups in the housing market area regardless of race, creed, color, religion, sex, national origin, marital status, status with regard to public assistance, disability, sexual orientation, or familial status. At the time of 8609, all applicants must submit an Affirmative Fair Housing Marketing Plan documenting an acceptable plan to carry out an affirmative marketing program (Self Score Worksheet p. 5)</li> </ul>
MS	<ul style="list-style-type: none"> <li>• All Owners and Management Entities of Special Needs Housing Developments are required to demonstrate continuous marketing efforts to serve the targeted special need population elected. The application package must include (a) a market study that addresses the housing priority for the specialized need; (b) a marketing plan that identifies how the development will market to the targeted population; and (c) a comprehensive service plan that identifies each supportive service to be provided, the location of the services, the anticipated service provider for each service and their experience in providing service to the targeted population (p. 69)</li> </ul>

MO	<ul style="list-style-type: none"> <li>Family developments proposed in opportunity areas are required to include an affirmative marketing plan that proactively reaches out to families currently living in census tracts where the poverty rate exceeds 40% (p. 19)</li> <li>All projects must provide an executed and complete HUD Form 935.2A/935.2B: Affirmative Fair Housing Marketing Plan. In addition, the management company must identify how it intends to comply with the HUD requirements to Affirmatively Further Fair Housing beyond what may be included in the Affirmative Fair Housing Marketing Plan (Dev. Guide p. 87)</li> </ul>
MT	<ul style="list-style-type: none"> <li>Any units targeted as Permanent Supportive Housing for persons with disabilities must describe the strategy that will be used to market available units to disabled persons throughout the Extended Use Period (p. 18)</li> </ul>
NE	<ul style="list-style-type: none"> <li>Applications must include an affirmative plan (App, p. 35)</li> </ul>
NJ	<ul style="list-style-type: none"> <li>NJHMFA encourages all owners/developers to affirmatively market their projects. For projects over 25 units, applicants shall submit an Affirmative Fair Housing Marketing Plan, which, in short, documents how the project will be marketed to those people who are least likely to apply. For instance, if the proposed development is located in an area predominantly populated by Caucasians, outreach should be directed to non-Caucasians. Conversely, if the population is predominately African-American, outreach should be directed to non-African-American groups. At the time the units are placed in service, the owner/developer and rental agent shall certify that the project was affirmatively marketed (p. 41)</li> </ul>
NM	<ul style="list-style-type: none"> <li>Applicants shall provide a narrative explaining how Units will be marketed and made available to Households with Special Needs Housing (p. 33)</li> </ul>
NY	<ul style="list-style-type: none"> <li>Awardees must comply with all HCR marketing guidelines and submit an Affirmative Fair Housing Marketing Plan acceptable to HCR’s Office of Fair Housing and Equal Opportunity (FEHO) (RFP, p. 15)</li> </ul>
NC	<ul style="list-style-type: none"> <li>Owners must submit an Affirmative Fair Housing Marketing Plan</li> <li>Marketing Requirements – All projects, including “standalone” projects, are subject to HPD’s marketing requirements including the selection of initial tenants through an HPD supervised lottery (p. 16)</li> </ul>
ND	<ul style="list-style-type: none"> <li>A tenant selection plan must be part of the support for tenants with special needs. The plan must describe in detail how individuals and/or families with special needs will be identified, affirmatively marketed to, and assisted in renting units at the project (p. 9)</li> </ul>
OH	<ul style="list-style-type: none"> <li>Affirmative Fair Housing Marketing Plans (AFHMP) and affirmative marketing procedures are required for all projects receiving funding (p. 53)</li> </ul>
OK	<ul style="list-style-type: none"> <li>[Compliance] Any unit promised for a targeted population must have been marketed for a period of 90 days for Targeted Persons (see O2) before it can be rented to a tenant that does not have the designated special need. the Owner must show ongoing due diligence in attempting to locate a special needs tenant for the unit. Due diligence must include, but is not limited to, monthly advertisement in a newspaper of general circulation in the area, and proof of at least monthly contact with providers of services for individuals with the designated special need or targeted population, including advising such providers of the number and size of</li> </ul>

	<p>units available, the rents charged for the units, and the income limits for prospective tenants. Service providers must also be contacted immediately upon a special needs unit becoming available. The owner must have a plan in place (p. 29)</p>
OR	<ul style="list-style-type: none"> <li>Up to 7 points for Affirmative Fair Housing Marketing: 1 point in Urban Areas and up to 2 points in Rural Areas for including analysis of underserved population demographics in determining outreach strategies; 1 point for including partnership with local service / referral agencies in reaching underserved populations to build the Project wait list; Up to 2 points for using two or more referral and advertising methods; Up to 2 points in Urban Areas and 1 point in Rural Areas where referral and outreach organization partner is culturally responsive; Up to 1 point for implementing low-barrier tenant screening (p. 38-39)</li> </ul>
PA	<ul style="list-style-type: none"> <li>All developments must participate in the PHFA-established PA Housing Search database which lists all affordable housing units in developments participating in any of the Agency’s multifamily housing programs. The database is intended as a resource for households seeking affordable housing and as a marketing tool for owner. This may also include submission of a resident survey, and will be expected to provide information including, but not limited to unit amenities, household size, household income and move-in information and any ongoing unit vacancies in a secure and timely manner (p. 13)</li> </ul>
RI	<ul style="list-style-type: none"> <li>In addition, in order to ensure that all potentially eligible residents of RIHousing-financed developments have a fair opportunity to gain admission into those developments, RIHousing requires that sponsors employ an open and fair process that affirmatively furthers fair housing opportunities. To that end, all homes financed by RIHousing must be available to the general public, must be marketed pursuant to an approved affirmative fair housing marketing plan and must be advertised. (p. 23)</li> <li>At a minimum, the AFHMP must include an analysis of those populations least likely to apply for housing in the area in which the development is located and a targeted marketing program to reach those populations. (p. 23)</li> <li>All developments receiving LIHTC will have to complete HUD form 935.2A to detail AFHMP (p. 24)</li> <li>Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient’s programs and activities. To do this, the recipient should: 1) conduct the four-factor analysis, 2) develop a language access plan and 3) provide appropriate language assistance (p. 24)</li> </ul>
SC	<ul style="list-style-type: none"> <li>[Threshold] Applications must include a statement agreeing to adopt and implement an Affirmative Fair Housing Marketing Plan, including outreach, marketing and advertising methods used to attract individuals on public housing waiting lists, prior to placing in service (p. 4) <ul style="list-style-type: none"> <li>Required Affirmative Fair Housing Marketing Plan must include methods used to attract individuals on public housing waiting lists (p. 4)</li> </ul> </li> </ul>

TN	<ul style="list-style-type: none"> <li>• [Threshold Requirement] Applications must include a certificate that Owner will comply with Affirmatively Furthering Fair Housing Marketing requirements and provide THDA its Marketing Plan in its Carryover Allocation Application (p. 34)</li> <li>• As part of Annual Certification of Compliance, Owners shall certify, under penalty of perjury, by the deadline established by THDA, that, for all times during the prior calendar year... the units were leased according to the Owner’s THDA-approved Affirmatively Furthering Fair Housing (“AFFH”) Marketing Plan (p. 64)</li> </ul>
TX	<ul style="list-style-type: none"> <li>• A Development Owner with five or more total Units must affirmatively market the Units to promote equal housing choice for prospective tenants, regardless of race, color, religion, sex, national origin, familial status, or disability and must develop and carry out an Affirmative Fair Housing Marketing Plan (or Affirmative Marketing Plan) to provide for marketing strategies and documentation of outreach efforts to prospective applicants identified as "least likely to apply" 10 TAC §10.801(b)</li> </ul>
UT	<ul style="list-style-type: none"> <li>• Applicant must provide a narrative outlining an active marketing plan for the units and the nature and extent of supportive services offered to tenants (p. 62)</li> </ul>
WY	<ul style="list-style-type: none"> <li>• Applications must include an Affirmative Fair Housing Marketing Agreement (p. 21)</li> </ul>