

Affirmative Marketing: TDHCA Guidance HOME ARP Multifamily

Presented by:

Texas Department of Housing and Community Affairs



DISCLAIMER

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Before We Start

- All materials and recordings of this webinar will be available on the TDHCA website.
- If you have any questions, please enter them into the question chat box – after every segment, we will answer the questions in the chat box.
- This training is informational only and does not satisfy the requirements in 10 TAC §10.402(e)(1)-(2) for post bond closing documentation (for Multifamily Bond transactions) and documentation submitted for the 10 Percent Test (for Housing Tax Credits).



Presenters

Nathan Darus

Fair Housing Coordinator

Nathan.Darus@tdhca.state.tx.us

(512) 475-0306



Learning Objectives

Understand

Understand How Affirmative Marketing and Fair Housing Are Related

Develop

Know how to Develop an Affirmative Marketing Plan

Implement

Know how to Implement an Affirmative Marketing Plan





Federal and Texas Fair Housing Acts

The Fair Housing Act

- It is the policy of the United States to provide, within constitutional limitations, for fair housing through the United States. No person shall be subjected to discrimination because of their race, color, religion, sex, handicap (disability), familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services or in the availability of real estate-related transactions. (24 CFR §100.5(a))
- Section 808(e)(5) of the Fair Housing Act is to affirmatively further the purposes of the Fair Housing Act, which includes ensuring positive outreach and informational efforts to those who are least likely to know about and apply for housing



Affirmative Marketing Overview

Affirmative fair housing marketing and outreach is a requirement per statute, executive order and regulation. Statutory authority exists in the:

Fair Housing Act

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act

Also, Executive Order 11063 provides that all Federal executive departments and agencies must act to end discriminatory practices for properties receiving federal financial assistance.

Affirmative
Fair Housing
Marketing
Plan
Authorities



Multifamily Affirmative Fair Housing Marketing - Policy

- All applicants for participation in Federal Housing Agency (FHA) subsidized and unsubsidized multifamily housing programs with five or more units (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.

Summary of the HUD Requirements

- Carry out an affirmative program to attract tenants, regardless of protected class, to housing for rental.
- Maintain a nondiscriminatory hiring policy in recruiting
- Instruct all employees and agents in writing and orally in the policy of nondiscrimination and fair housing.
- Prominently display the HUD-approved Fair Housing Poster
- Include HUD-approved Equal Housing Opportunity logo, slogan, or statement in any printed material.





TDHCA Requirements

Per 10 TAC §10.617 and §10.801

- All TDHCA multifamily properties are required to develop and carry out an Affirmative Marketing Plan.
- An Owner must update its Affirmative Marketing Plan and populations that are least likely to apply **every five years from the effective date** of the current plan.

Multifamily Requirements



HUD Affirmative Marketing Plan Forms


Multifamily

HUD form 935.2A is required
by HUD

TDHCA does not require the
use of that form, but it does
satisfy TDHCA requirements





Help for Texans	Dev	Asset Management	Communities & Nonprofits
		Bond Finance	TDHCA SHOWCASE >>
		Closing Status Database	
		Compliance	Main
		Fair Housing	Housing Contract System
		Financial Administration	Online Reporting
		Housing Resource Center	Manuals and Rules
		Human Resources	Forms
		Information Systems	Reports
		Internal Audit	Training
		Loan Servicing	Utility Allowances
	Migrant Labor Housing	Income and Rent Limits	

Single Family Affirmative Marketing Tool

- [Single Family Affirmative Marketing Tool](#)
- [TDHCA form, Single Family Affirmative Marketing Plan for HOME and NSP \(DOC\)](#)
- [TDHCA form, Single Family Affirmative Marketing Plan for Colonias \(DOCX\)](#)
- [HUD 935.2B Affirmative Marketing Form \(Current Version – PDF\)](#)
- [Single Family Affirmative Marketing Technical Assistance Guide \(PDF\)](#)
- [Source document, Single Family Affirmative Marketing Tool \(PDF\)](#)
- [Language Access Plan, Guidance and Example Plan \(DOC\)](#)

Affirmative Marketing Plans

- [HUD 935.2A Affirmative Marketing Form \(Previous Version - PDF\)](#)
- [HUD 935.2A Affirmative Marketing Form \(Current Version - PDF\)](#)

• <https://www.tdhca.state.tx.us/pmcomp/forms.htm>

Forms on TDHCA Site





How to Determine “Least Likely to Apply Populations”

Service Area Demographic Data

For Multifamily Properties, this will be your covered service area, which might look different depending on where your property is located in Texas.

Elderly Developments

- For non-HOME-ARP deals, generally Elderly Developments that meet the Housing for Older Persons Act definition and are not required by regulation, use agreement, or zoning to house households with children are not required to affirmatively market based on familial status.
- **HOME-ARP requires recipients to accept otherwise qualified households with children.** Several qualified populations include households with children or youth.
- **Elderly Developments with HOME-ARP must accept otherwise qualified households with children need to analyze whether this protected class is least likely to apply.**



Multifamily Property Demographic Data

- Established properties, or properties that are not currently in lease up, should have basic demographic data about the tenants living on the property.
 - This should include race, sex, if there are children under 18 in the household, and whether the occupants are Hispanic.
- Ideally, you will want to use this data along with the American Community Survey to determine your least likely to apply populations.

What if I don't have property demographics?

- It's possible that you won't. Your property may be in lease-up or you may have just inherited your property from a different owner who did not keep this data or took it with them.
- You will need to use data from your census tract instead. To find out what your property's census tract is, you can use either of these tools:
 - <https://geocoding.geo.census.gov/geocoder/geographies/address?form>
 - <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>
- The second tool includes a link to some of the necessary demographic data, but it does not have data on households with children

The screenshot shows the FFIEC Geocoding Map interface. At the top, the year is set to 2020 and the address is 302 Crosstimbers St, Houston Tx 77022. Below this is a table of demographic data for the matched address.

Matched Address	
Address	302 CROSSTIMBERS ST, HOUSTON, TX, 77022
MSA/MD Code	26420
State Code	48
County Code	201
Tract Code	5304.00
MSA/MD Name	HOUSTON-THE WOODLANDS-SUGAR LAND, TX
State Name	TEXAS
County Name	HARRIS COUNTY

To the right of the table is a map showing the location of the address. A red dot marks the location on the map. A button labeled "Census Demographic Data" is visible on the map. The map shows a street grid with labels such as "Cottage Oak Ln", "Creekm", "Sue Marie Ln", "Brinkman St", "Pinemont", "Del Norte Dr", "Lehman Rd", "Golf Dr", "His Gloy Ln", "Pinemont Dr", "Lehman Rd", "Burt St", "Crosstimbers St", "W Donovan", and "Lehman Rd".

American Community Survey

When determining least likely to apply populations, the American Community Survey (ACS), which is like the decennial Census, except that it is conducted every year, is the best data source to compare your property's demographics against.

Can be found at <https://data.census.gov/cedsci/>

Search for "dp05"

This is the name of the ACS data table that will have demographic data for you to compare with

Explore Census Data

Learn about America's People, Places, and Economy

dp05|

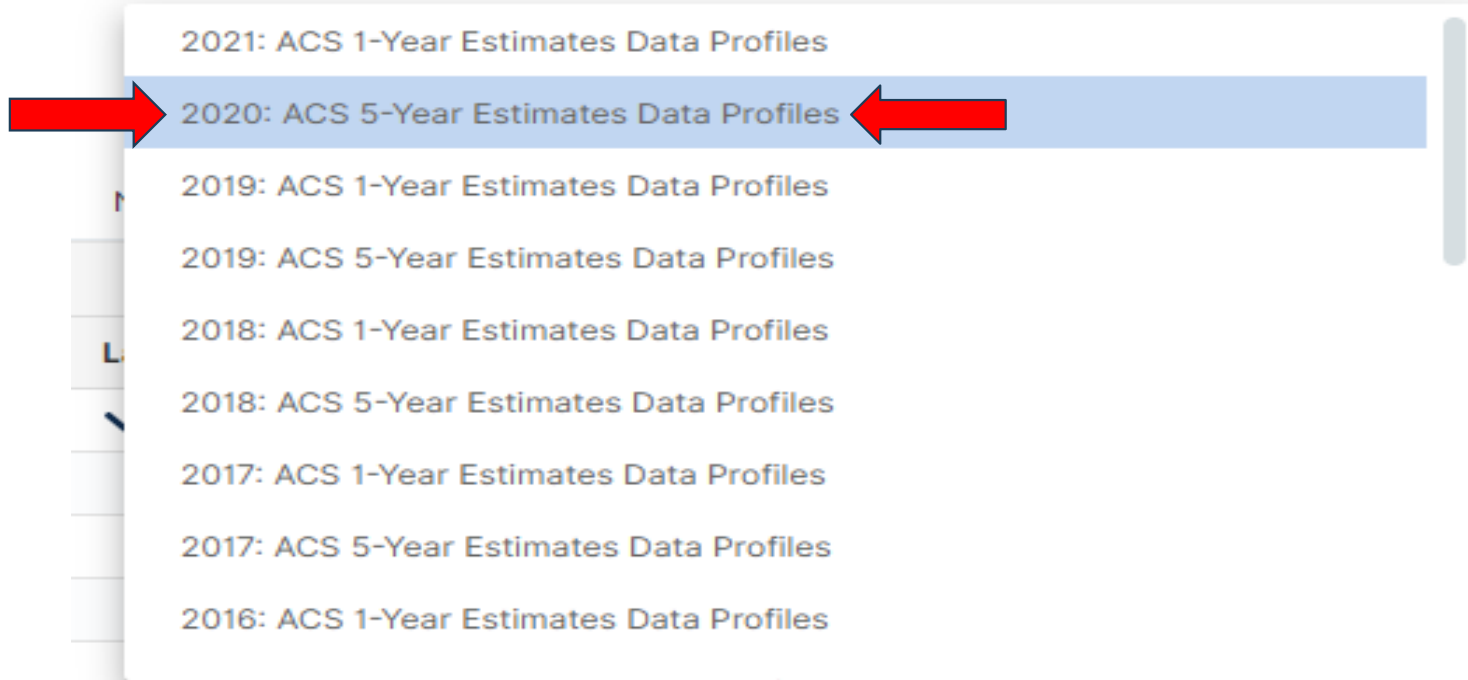


Q DP05: ACS DEMOGRAPHIC AND HOUSING ESTIMATES

[Use Advanced Search...](#)



DP05 | ACS DEMOGRAPHIC AND HOUSING ESTIMATES



American Community Survey, Cont'd

Determine your market area. This is usually going to be either the county that your property is in or the Metropolitan Statistical Area (MSA). The market area is basically the area from which most of your applicants will come.

IMPORTANT NOTE: Before you do anything else with the ACS table DP05, make sure you change the product to the most recent *5-year estimates data profile*

American Community Survey, Cont'd

Change the ACS Demographics and Housing Estimates Table (Table DP05) to the correct geography. Select "Tract" as the first geography.

The screenshot shows the 'Select Geography' interface. At the top is a navigation bar with icons for Geos (with a red '1' notification), Years, Topics, Surveys, Codes (with '123'), Hide, Transpose, Margin of Error (highlighted), Restore, Excel, CSV, ZIP, and Print. Below the navigation bar are two tabs: 'Geographic Entities' (selected) and 'Summary Levels'. A search bar labeled 'Search Geography' is present. A light blue information box contains the text: 'Available filters are limited by your chosen result in combination with selected filters. Some filters may be unavailable.' Below this is the section 'Most Commonly Used Geographies' with a grid of buttons: Nation, State, County, Place, Zip Code Tabulation Area, Metropolitan Statistical Area, Tract (highlighted with a red arrow), Block, and Block Group.

American Community Survey, Cont'd

Go through the menus to select the state (Texas) and the county (in this example we'll use Harris County)

The screenshot shows the top navigation bar with icons for Geos, Years, Topics, Surveys, Codes, Hide, Transpose, Margin of Error, Restore, Excel, CSV, ZIP, Print, and Map. Below the navigation bar is a breadcrumb trail: < Tract / Select State. A search bar is labeled 'Search State'. A list of states is displayed: Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, and Texas. A red arrow points to the 'Texas' option.

The screenshot shows the top navigation bar with icons for Geos, Years, Topics, Surveys, Codes, Hide, Transpose, and Margin of Error. Below the navigation bar is a breadcrumb trail: < Tract / Texas / Select County. A search bar is labeled 'Search County'. A list of counties in Texas is displayed: Hardeman County, Texas; Hardin County, Texas; Harris County, Texas; and Harrison County, Texas. A red arrow points to the 'Harris County, Texas' option.

American Community Survey, Cont'd

Finally select your census tract. In this case our tract is 5304.

The screenshot shows the 'Select Tract' interface. At the top, there is a navigation bar with icons for 'Geos' (with a red notification bubble containing the number '1'), 'Years', 'Topics', 'Surveys', 'Codes' (with the number '123'), 'Hide', 'Transpose', and 'Margin of Error'. Below this is a breadcrumb trail: '< Tract / Texas / Harris County, Texas / **Select Tract**'. Underneath the breadcrumb is a section titled '+ Within other geographies'. A search bar labeled 'Search Tract' is present. Below the search bar is a list of census tracts, each with an unchecked checkbox:

- Census Tract 5225, Harris County, Texas
- Census Tract 5301.01, Harris County, Texas
- Census Tract 5301.02, Harris County, Texas
- Census Tract 5302, Harris County, Texas
- Census Tract 5303, Harris County, Texas
- Census Tract 5304, Harris County, Texas
- Census Tract 5305.01, Harris County, Texas

A red arrow points to the 'Census Tract 5304, Harris County, Texas' option.

American Community Survey, Cont'd

Now, repeat the steps to find your county or MSA or city.

Remember, if you are looking for a city, the ACS calls that "Place"

Select Geography

Geographic Entities Summary Levels

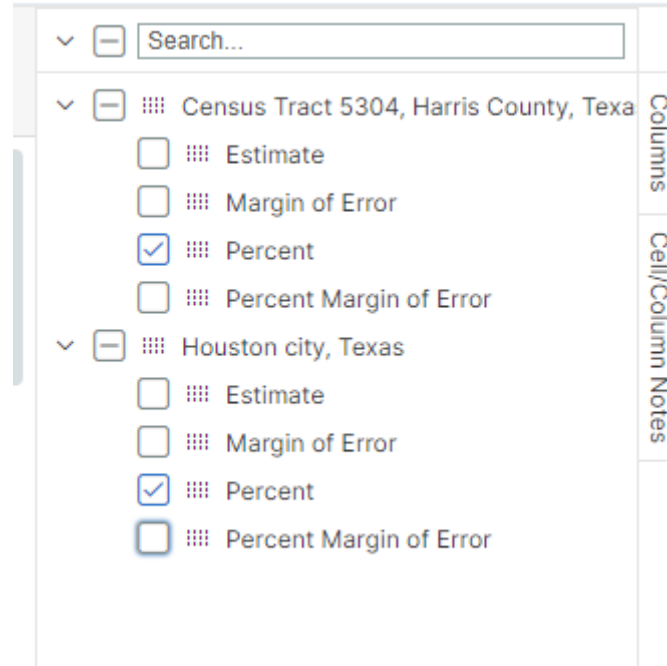
Search Geography

Most Commonly Used Geographies

Nation	State	County
Place	Zip Code Tabulation Area	Metropolitan Statistical Area
Tract	Block	Block Group

American Community Survey, Cont'd

- Once you have selected your geographies, you're almost done!
- Click the "Hide" button and de-select everything except "Percent"



- Once you have done that, you can now copy the demographic data into your worksheet (the HUD 935.2A worksheet in Appendix A is super helpful for this) and compare your property demographics to the demographics of your market area.
- Make sure to save the property and market area data to submit with your Affirmative Marketing Plan

Quickly finding Least Likely to Apply Populations (LLTAPs)

- Make sure to look at “Race alone or in combination with other races”
- Groups that represent less than 1% of the market area (the larger area) do not need to be analyzed or included (red “X”)
- It is possible that “White” may be a least likely to apply population.
- TDHCA does not have a “number” or metric that determines LLTAP status
- Look for groups that are *underrepresented* in the Tract (blue arrows)

Census Tract 5304, Harris C... Houston city, Texas		
Label	Percent	Percent
<ul style="list-style-type: none"> SEX AND AGE <ul style="list-style-type: none"> Total population RACE <ul style="list-style-type: none"> Race alone or in combination with one or ... <ul style="list-style-type: none"> Total population White → 27.9% Black or African American 57.2% American Indian and Alaska Native 0.0% Asian → 0.0% Native Hawaiian and Other Pacific Isl... 0.0% Some other race 14.9% HISPANIC OR LATINO AND RACE <ul style="list-style-type: none"> Total population Hispanic or Latino (of any race) 	2,748	2,313,238
	2,748	2,313,238
	27.9%	58.0%
	57.2%	24.1%
	0.0%	0.9% X
	0.0%	7.8%
	0.0%	0.2% X
	14.9%	16.3%
	2,748	2,313,238
	41.6%	44.5%

Households with Children

- HOME-ARP recipients must include Households with Children in your analysis:
- To find the ACS data on Households with Children, follow the same steps outlined the in previous slides for the ACS table S1101
- Look only at the “Total” “Estimate” for the two geographies (remember to hide everything else)

	Census Tract 5304, Harris C...	Houston city, Texas
	Total	Total
Label	Estimate	Estimate
> HOUSEHOLDS		
> FAMILIES		
> AGE OF OWN CHILDREN		
✓ Total households	903	874,827
✓ SELECTED HOUSEHOLDS BY TYPE		
Households with one or more people under 18 years	38.2%	32.1%
Households with one or more people 60 years and over	38.4%	30.2%
> Householder living alone	33.7%	32.7%
> UNITS IN STRUCTURE		
> HOUSING TENURE		



Persons with Disabilities and Veterans

- Persons with disabilities is ***always*** required to be included as a least likely to apply population. No analysis is needed for this population, nor will any analysis remove this requirement
- Some TDHCA properties have a general marketing requirement for veterans. This is ***not*** part of the affirmative marketing requirements and is not a least likely to apply population. Marketing efforts to satisfy the veterans requirements do not satisfy affirmative marketing requirements



Multifamily Properties

HUD 935-2A: Section 3a-b, Worksheet 1

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)

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					



Multifamily Properties

HUD 935-2A: Section 3a-b, Worksheet 1

3a. Demographics of Project and Housing Market Area

Complete and submit Worksheet 1.

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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
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 Families with Children Other ethnic group, religion, etc. (specify)

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Demographic Characteristics	Project's Residents	Project's Applicant Data	Census Tract	Housing Market Area	Expanded Housing Market Area
% White					
% Black or African					





Community Contacts

Contact Examples

People with Disabilities

- Local Centers for Independent Living (CIL)
- Aging and Disability Resource Center (ADRC)
- Local Mental Health Authority (LMHA)
- Local Non-profits in your area serving individuals with disabilities
- 211

Black/African American

- Black Chamber of Commerce
- Local NAACP (National Association for the Advancement of Colored People) Chapter
- Historically Black Churches/Places of Worship
- Local Black Newspaper/Radio Stations/Media Outlets



Veterans and Other Populations

General Marketing

Marketing to the general population, but also includes marketing to veterans, farmworkers, or other populations required by program regulations. Does not count toward Affirmative Marketing.

Affirmative Marketing

Marketing to specific protected class groups that is a requirement of the Fair Housing Act's charge to Affirmatively Further Fair Housing. Done in addition to General Marketing.



What if I can't find contacts for a population?

- If you can't find any contacts for your least likely to apply populations, document those reasons within your Affirmative Marketing Plan. These reasons must be provided with supporting evidence of your efforts.

What if I Can't Find Contacts: An Example (Part 1)

- Aside from the types of groups already mentioned, you may want to look at where the people in your community work.
- Example: Slaton, TX has a population of 3,000 and is in Lubbock County, TDHCA Region 1. The Single Family Affirmative Marketing Tool indicates that "Asian" is a least likely to apply population for your activity:

Activity: Rehabilitation

- HOME Contract for Deed
- HOME Homeowner Rehabilitation Assistance

Least Likely to Apply Populations:

Race: Asian

Ethnicity: None

Other Groups: Persons with Disabilities, Households with Children

- Slaton has a very small Asian population, so there are just no community contacts serving that group.



What if I Can't Find Contacts: An Example (Part 2)

- Where does your community work?
 - OnTheMap – a Census Bureau tool that can help you figure this out!
 - <https://onthemap.ces.census.gov/>
 - Search for your city/town/county and click "Perform Analysis"
 - Use the settings below to figure out where the people in your area work (Use the most recent year)

Analysis Settings

Destination Analysis in 2018 by All Jobs

Home/Work Area	Analysis Type	Year	Job Type
Determines whether the selection area is analyzed on where workers live ("Home") or where workers are employed ("Work"). <input checked="" type="radio"/> Home <input type="radio"/> Work	Determines the type of results that will be generated for the selected area. <input type="radio"/> Area Profile Labor Market Segment: All Workers <input type="radio"/> Area Comparison Areas to Compare: Places (Cities, CDPs, etc.) Labor Market Segment: All Workers <input type="radio"/> Distance/Direction <input checked="" type="radio"/> Destination Destination Type: Places (Cities, CDPs, etc.) <input type="radio"/> Inflow/Outflow Note: Home/Work choice does not affect results	Determines the year(s) of data that will be processed in the analysis. <input checked="" type="checkbox"/> 2018 <input type="checkbox"/> 2017 <input type="checkbox"/> 2016 <input type="checkbox"/> 2015 <input type="checkbox"/> 2014 <input type="checkbox"/> 2013 <input type="checkbox"/> 2012 <input type="checkbox"/> 2011 <input type="checkbox"/> 2010 <input type="checkbox"/> 2009 <input type="checkbox"/> 2008 <input type="checkbox"/> 2007 <input type="checkbox"/> 2006 <input type="checkbox"/> 2005 <input type="checkbox"/> 2004	Determines the scope of jobs that will be processed in the analysis. <input checked="" type="radio"/> All Jobs <input type="radio"/> Primary Jobs <input type="radio"/> All Private Jobs <input type="radio"/> Private Primary Jobs

Cancel Go!

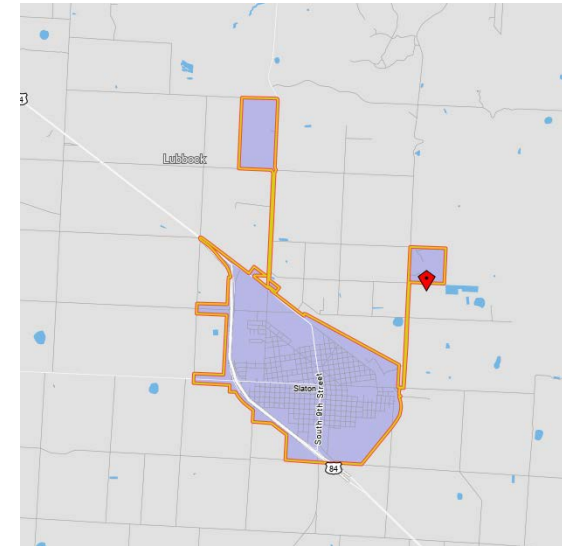
What if I Can't Find Contacts: An Example (Part 3)

Only 11% of the people living in Slaton also work in Slaton.

53% of the people living in Slaton work in Lubbock.

Lubbock Asian grocers, Asian chambers of commerce, and other groups serving a primarily Asian clientele would be possible contacts in Lubbock.

Not all towns will have such an obvious answer, but document taking steps like these so you have evidence that you looked for contacts.



**Jobs Counts by Places (Cities, CDPs, etc.)
Where Workers are Employed - All Jobs**

	2018	
	Count	Share
All Places (Cities, CDPs, etc.)	2,657	100.0%
Lubbock city, TX	1,405	52.9%
Slaton city, TX	294	11.1%
Post city, TX	59	2.2%
Amarillo city, TX	41	1.5%
Dallas city, TX	38	1.4%
Levelland city, TX	36	1.4%
Midland city, TX	36	1.4%
Houston city, TX	28	1.1%
Odessa city, TX	21	0.8%



Media Outlets



Procedures for Implementing Plan

Marketing and Outreach

Per 10 TAC §10.801(d)(1) - Multifamily

- (1) the plan must include special outreach efforts to the "least likely to apply" populations through specific media, organizations, or community contacts that work with least likely to apply populations or work in areas where least likely to apply populations live. The outreach efforts identified in the Affirmative Marketing Plan must be performed by the Development at least once per calendar year.

Fair Housing Logo





Affirmative marketing efforts for each of the identified populations least likely to apply must begin at least six months prior to the anticipated date the first building is to be available for occupancy for Multifamily properties.



Affirmative Marketing Plans and populations that are least likely to apply updated **every five (5) years for Multifamily** properties



Marketing activities for multifamily properties should be conducted at least annually.

Timeframes and Recordkeeping

Affirmative Marketing Exception

If your waitlist is closed, Affirmative Marketing is not required. Affirmative Marketing is required as long as the Owner or Administrator is accepting applications, has an open waitlist, or is marketing prior to placement in service.

HOW TO SUBMIT YOUR PLAN FOR REVIEW

Email your plan to:

Fair.Housing@tdhca.state.tx.us



TRAINING & TECHNICAL ASSISTANCE

Contact the Texas Department of Housing and Community Affairs

Nathan Darus

(512) 475-0306

Fair.Housing@tdhca.state.tx.us

Tiara Hardaway

(512) 475-4227

Tiara.Hardaway@tdhca.state.tx.us





Questions?



Thanks for your
Participation!