

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

Program Participants
and Departmental
Staff

April 1993 Implementing Affirmative
Fair Housing Marketing
Requirements

EQUAL HOUSING
OPPORTUNITY

U.S. Department of Housing and Urban Development

Special Attention of:

Transmittal for Handbook No.: 8025.1, REV-2
Regional Administrator, Regional
Directors of Housing; Regional Issued: April 30, 1993
FHEO Directors; FHEO Program Operations
Division Directors; Field Office Managers;
Field Office Housing Development and Housing
Management Directors; Field Office FHEO Directors

1. This transmits:

Handbook 8025.1, REV-2 entitled Implementing Affirmative
Fair Housing Marketing Requirements.

2. Purpose:

This revised Handbook updates the procedures and philosophy behind the Department's Affirmative Fair Housing Marketing (AFHM) Requirements. Fair Housing and Equal Opportunity Field Office and Program Operations Division staff implement these procedures while reviewing and monitoring AFHM Plans and affirmative marketing procedures required under programs such as the HOME Investment Partnership program. Regional Office staff implement the compliance review and complaint investigation procedures outlined in Chapter 6. It also

contains updated guidance to applicants for the Department's assisted and insured multifamily and single-family programs on the preparation and implementation of AFHM Plans.

3. Changes:

This revision contains a number of significant changes, including the following:

- a. The passage of the Fair Housing Amendments Act of 1988 added handicap and familial status to the classifications protected under the Fair Housing Act. The Handbook adds references to the new protected classes and includes guidance on marketing to these classes. Consistent with these changes, the Department plans to propose amending the AFHM Regulations (24 CFR Part 200, Subpart M) to include these new protected classes. However, the Handbook provisions dealing with marketing to disabled persons and families whose status affects their ability to obtain housing, e.g., families with children, will not take effect until the AFHM Regulations have been amended.
-
- b. In October 1987, the Department issued a Handbook change which eliminated the use of numerical occupancy or applicant related goals as measures of effectiveness for AFHM Plans. This event was a major change in the Department's legal viewpoint on numerical indicators of success as a valid means of judging the effectiveness of an AFHM Plan. Applicants no longer had to tell the Department what the tenant composition of their projects or subdivisions was going to be prior to the commencement of construction. This revision proposes indicators of success which relate directly to (1) the effectiveness of the good faith efforts made to implement the Plan and (2) the numbers of applicants actually attracted to the proposed housing as a result of the marketing program. It also includes Form HUD-935.5, the Report on Multifamily Project Applicants, which is the sole numerical racial/ethnic data collection instrument for Affirmative Fair Housing Marketing.
- c. The passage of the National Affordable Housing Act gave rise to many new programs which required by Regulation the submission of either AFHM Plans or the formulation of written affirmative marketing procedures by the applicants. Chapters 1 and 2 of this revision contain frequent references to these new programs and give guidance to applicants and HUD staff about the affirmative marketing procedures required by the HOME Investment Partnership and HOPE homeownership programs. Almost all references to the significant programs of the

early 1980's, e.g., the Section 8 New Construction and Substantial Rehabilitation Programs, have been deleted from the Handbook.

- d. The Handbook reflects guidance previously issued by the Offices of Housing and FHEO which required developers of single-family subdivisions to submit AFHM Plans for all segments of any subdivision that had not been previously built and sold.
- e. The Handbook also contains a revised Chapter 5 on Monitoring which reflects the Department's thrust toward accountability monitoring and risk analysis in determining which projects are monitored in AFHM.

4/93

2

8025.1 REV-2

4. Effective Date:

This Handbook is effective immediately.

5. Filing Instructions:

Remove:
Handbook 8025.1 REV-1

Insert:
Handbook 8025.1 REV-2

Leonora L. Guarraia, General Deputy
Assistant Secretary for Fair Housing
and Equal Opportunity, ED

3

3/93