



Rural Development

April 6, 2017

Office of Civil Rights

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TO: State Directors
Administrators

ATTN: Deputy Directors
Program Directors
Equal Opportunity Specialist/Civil Rights Coordinator

FROM: Angilla Denton /s/ **Angilla Denton**
Director, Office of Civil Rights

SUBJECT: Guidance on Affirmative Fair Housing Marketing Plan Review and Approval

The purpose of this Unnumbered Letter is to provide clarification regarding the process of review and approval of Affirmative Fair Housing Marketing Plans (AFHMP).

In accordance with 7 CFR, Chapter XVIII, Part 1901, Subpart E, § 1901.203 borrowers, contractors, packagers, or others who provide housing must prepare and submit an AFHMP. Additionally, AFHMPs are to be submitted on HUD Form 935.2A (current revision date 12/2011) for assisted programs, i.e. Multi-Family Housing, Nursing Home Facilities, or HUD Form 935.2B (current revision date 7/2008) for conducted programs, i.e. Single Family Housing Loan Packagers, Exclusive Brokers programs.

When completing the applicable AFHMP form, borrowers will adhere to the review and submission criteria established by the HUD Office of Fair Housing and Equal Opportunity (FHEO) and in accordance with HUD Form 935.2A and HUD Form 936.2B for specific guidance information. Rural Development (RD) will not develop or require additional forms or checklists to be completed by borrowers.

Borrowers must review their AFHMP every five years; or when the local Community Development jurisdiction's Consolidated Plan is updated; or when there are significant changes in the demographics of the project or the local housing market. If the Borrower's analysis finds that the plan is satisfactory, the agency will not require any additional documentation.

If the Borrower's analysis determines the current AFHMP requires modifications or updates, the Borrower must submit the updated AFHMP for Agency approval. Borrowers should retain a copy of the analysis for their own record. RD will review borrower records and analysis during regularly scheduled compliance reviews. An approved AFHMP will be made available by the Borrower for public inspection at the participant's place of business and at each sales or rental office.

EXPIRATION DATE
March 31, 2018

FILING INSTRUCTIONS:
Administrative/Other Program

In summary, borrowers must submit updated AFHMPs to RD for review and approval only under the following circumstances:

- At least five (5) years have elapsed since the last review; **OR**
- The local jurisdiction's Consolidated Plan has been updated; **OR**
- Significant demographic changes have occurred in the housing market area.

AND

- The borrower has conducted an analysis which determines that the population least likely to apply for housing is not identified in the current AFHMP or the advertising, publicity or outreach are no longer appropriate and require modification or expansion.

AFHMPs will be reviewed and approved by the RD official authorized to approve the assistance requested or as otherwise delegated by the State Director. RD employees will review and submit with comments to the official authorized to approve the assistance requested (e.g. Program Directors, Area Directors, Specialist).

State Directors have authority, under RD Instruction 2006 F, 7 C.F.R. § 2006.252, to further delegate signature authority. Authority for any further delegation must be given in the instrument of delegation and further delegation normally will be to positions, not persons. Delegates **MUST** meet all requirements of the position.

For additional information or questions regarding AFHMPs, please contact the Office of Civil Rights at rd.civilrights@wdc.usda.gov .

Sent by electronic mail on April 6, 2017 at 2:30 pm by the Office of Civil Rights. The Acting State Director and Administrators should advise other personnel as appropriate.