



Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing

1a. Project Name & Address (including County, City, State & Zip Code)	1b. MassHousing Project Number	1c. Number of Units
	1d. Census Tract	
	1e. Housing/Expanded Housing Market Area	

1f. Managing Agent Name, Address (including City, State & Zip Code), Telephone Number & Email Address

1g. Applicant/Owner/Developer Name, Address (including City, State & Zip Code), Telephone Number & Email Address:

1h. Entity Responsible for Marketing (check all that apply) ☐ Owner ☐ Agent ☐ Other (specify)

Position, Name (if known), Address (including City, State & Zip Code), Telephone Number & Email Address

1i. To whom should approval and other correspondence concerning this AFHMP be sent? Indicate Address (including City, State & Zip Code), Telephone Number & Email Address in addition to Name.

2a. Affirmative Fair Housing Marketing Plan

Plan Type _____ Date of first approved AFHMP: _____

Reason(s) for current update: _____

2b. Approved Occupancy of the Project (check all that apply)

☐ Elderly ☐ Family ☐ Mixed (Elderly/Disabled) ☐ Disabled

2c. Date of Initial Occupancy

2d. Advertising Start Date

Advertising must begin *at least* 90 days prior to initial or renewed occupancy for new construction and substantial rehabilitation projects.

Date advertising began or will begin: _____

For existing projects, select below the reason advertising will be used

To fill existing vacancies: _____

To place applicants on a waiting list: _____ (which currently has _____ individuals)

To reopen closed waiting list: _____ (which currently has _____ individuals)

3a. Demographics of Project and Marketing 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.

☐ White ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander ☐ Hispanic or Latinx ☐ Persons with Disabilities
☐ Families with Children ☐ Other ethnic group, religion, etc. (specify) _____

4a. Residency Preference

Is the Agent/Owner requesting a residency preference? ☐ Yes ☐ No (If yes, continue. If no, proceed to Block 4b.)

(1) ☐ New ☐ Revised ☐ Continuation of existing preference - (2) Is the residency preference area:

The same as the AFHMP housing/expanded housing market area (as determined in Block 1d)? ☐ Yes ☐ No

The same as the residency preference area of the local PHA in whose jurisdiction the project is located? ☐ Yes ☐ No

(3) What is the geographic area for the residency preference?

(4) What is the reason for having a residency preference?

(5) How do you plan to periodically evaluate your residency preference to ensure that it is in accordance with the non-discrimination and equal opportunity requirements?

Complete and submit Worksheet 2 when requesting a residency preference.

4b. Proposed Marketing Activities: Community Contacts

Complete and submit Worksheet 3 to describe your use of community contacts to market the project to those least likely to apply.

4c. Proposed Marketing Activities: Methods of Advertising

Complete and submit Worksheet 4 to describe your proposed methods of advertising that will be used to market to those least likely to apply. Attach samples of advertisements, radio and television scripts, internet advertisements and websites, brochures, etc.

5a. Fair Housing Poster

The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place. Check below all locations when the AFHMP will be displayed.

☐ Rental Office ☐ Real Estate Office ☐ Model Unit ☐ Other (specify) _____

5b. Affirmative Fair Housing Marketing Plan (AFHMP)

The AFHMP must be available for public inspection at the sales or rental office. Check below all locations where the AFHMP will be made available. (Check all that apply)

☐ Rental Office ☐ Real Estate Office ☐ Model Unit ☐ Other (specify) _____

5c. Project Site Sign

All Project Site Signs should include the Equal Housing Opportunity logo, slogan, or statement. Check below all locations where the Project Site Sign will be displayed. (Check all that apply) Please submit photos of the project signs.

☐ Rental Office ☐ Real Estate Office ☐ Model Unit ☐ Entrance to Project ☐ Other (specify) _____

The size of the Project Site Sign will be _____ x _____.

The Equal Housing Opportunity logo or slogan or statement will be _____ x _____.

6. Evaluation of Marketing Activities

Explain the evaluation process you will use to determine whether your marketing activities have been successful in attracting the group(s) least likely to apply, how often you will make this determination, and how you will make decisions about future marketing based on the evaluation process.

7a. Marketing Staff

What staff positions are/will be responsible for affirmative marketing?

7b. Staff Training and Assessment: AFHMP

(1) Has staff been trained on the AFHMP? ☐ Yes ☐ No

(2) Is there ongoing training on the AFHMP and Fair Housing Act issues in general? ☐ Yes ☐ No

(3) If yes, who provides it?

(4) Do you periodically assess staff skills, including their understanding of the AFHMP and their responsibilities to use it?

☐ Yes ☐ No

(5) If yes, how and how often?

7c. Tenant Selection Training/Staff

(1) Has staff been trained on tenant selection in accordance with the project's occupancy policy, including any residency preferences? ☐ Yes ☐ No

(2) What staff positions are/will be responsible for tenant selection?

7d. Staff Instruction/Training: Samples and Dates

Please provide samples of AFHM/Fair Housing training, if any, provided/to be provided, to whom it was/will be provided, and dates of past and anticipated training. Please include copies of AFHM/Fair Housing training materials

8. **Additional Considerations** Is there anything else you would like to tell us about your AFHMP to help ensure that your program is marketed to those least likely to apply for housing at your property? Please attach additional sheets, as needed.

9. **Review and Update**

By signing this form, the applicant/respondent agrees to review its AFHMP at least once every 5 years throughout the life of the mortgage and to update it as needed in order to ensure continued compliance. I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)

Name (type or print)

Title & Name of Company

For Mass Housing Use Only			
Reviewing Official:		Approved _____ Disapproved	
Signature	Date (mm/dd/yyyy)	Signature	Date (mm/dd/yyyy)
Name (type or print)		Name (type or print)	
Title		Title	

Public reporting burden for this collection of information is estimated to average six (6) hours per initial response, and four (4) hours for updated plans, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Purpose of Form: All applicants for participation in subsidized and unsubsidized multifamily housing programs must complete this Affirmative Fair Housing Marketing Plan (AFHMP) Form. The purpose of the AFHMP is to help applicants in developing an AFHM program to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, national origin, religion, sex, disability, or familial status. The AFHMP helps owners/agents (respondents) effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy in the housing project (See AFHMP, Block 3b).

An AFHM program, as specified in this Plan, shall be in effect for each multifamily project throughout the life of the mortgage. The AFHMP, once approved, must be available for public inspection at the sales or rental offices of the respondent and may not be revised without approval. This form contains no questions of a confidential nature.

Applicability: The form and worksheets must be completed and submitted by all subsidized and unsubsidized multifamily housing projects.

INSTRUCTIONS

Send completed form and worksheets to:
MassHousing. **Attention:** Compliance + Diversity
Department.

Part 1- Applicant/Respondent and Project Identification.

Blocks 1a, 1b, 1c, 1g, 1h, and 1i are self-explanatory.

Block 1d – Respondents may obtain the Census tract number from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as the U.S. Census Bureau (www.census.gov).

Block 1e – A **housing market area** is the area from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants.

If a housing market area is not demographically diverse in terms of race, color, national origin, religion, sex, disability, or familial status, an **expanded housing market area** may be used. An expanded housing market area is a larger geographic area that may provide additional diversity. Respondents should indicate the housing or expanded housing market area in which the housing is/will be located, e.g., “City of _____” for housing market area, or “City of _____” and “County of _____” for expanded housing market area.

Block 1f - The applicant should complete this Block only if a Managing Agent (the agent cannot be the applicant) is implementing the AFHMP.

Part 2-Type of AFHMP

Block 2a – Respondents should indicate the status of the AFHMP, e.g., initial or updated, as well as the date of the AFHMP. Respondents should also provide the reason(s) for the current update, if applicable, whether the update is based on the five-year review or mid-term revisions due to changes in local demographics or other conditions.

Block 2b – Respondents should identify all groups approved for occupancy in the subject project, in accordance with the contract, grant, etc.

Block 2c – Respondents should specify the date the project was/will be first occupied.

Block 2d – Respondents should indicate when this revised advertising began or will begin and whether the advertising will be used to add to and/or reopen the waiting list. **(NOTE: Advertising should begin at least 90 days prior to initial occupancy).** In the case of existing projects, respondents should also specify how many individuals were or are on the waiting list at the time the advertising began or will begin.

Part 3-Demographics and Marketing Area.

“Least likely to apply” means that there is an identifiable presence of a specific demographic group in the housing market area, but members of that group are not likely to apply for the housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities. Reasons for not applying can include, but are not limited to, insufficient information about housing opportunities, language barriers, or transportation impediments.

Block 3a – Using Worksheet 1, the respondent should indicate the demographic composition of the project, waiting list, census tract, and housing market area. The respondent compares the demographics of its existing project, waiting list (or any maintained list of interested housing applicants), with the demographics of the census tract and the larger housing market area to determine if there needs to be affirmative marketing to those least likely to apply. If the housing market area is not demographically diverse in terms of race, color, national origin, religion, sex, disability, or familial status, an expanded housing market area should be designated to enhance the diversity of individuals applying for housing opportunities. The applicable housing market area or expanded marketing area should be shown in Block 1e. Wherever possible, demographic statistics should be obtained from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as the U.S. Census Bureau (www.census.gov).

Compare groups within rows/across columns on Worksheet 1 to identify any under-represented group(s) relative to the surrounding housing market area, i.e., those group(s) “least likely to apply” for the housing without targeted outreach and marketing. If there is a particular group or subgroup with members of a protected class that has an identifiable presence in the housing market area, but is not included in Worksheet 1, please specify under “Other.”

Block 3b – Using the information from the completed Worksheet 1, respondents should identify the demographic group(s) least likely to apply for the housing without special outreach efforts.

Part 4 - Marketing Program and Residency Preference (if any).

Block 4a – A residency preference is a preference for admission of persons who reside or work in a specified geographic area. Respondents should indicate whether a residency preference is being requested, and if so, respondents should specify if it is new, revised, or continuing. If a respondent wishes to implement a residency preference, it should state the preference area (and provide a map delineating the precise area) and state the reason for having such a preference. The respondent must ensure that the preference is in accordance with the non-discrimination and equal opportunity requirements.

Respondents should use Worksheet 2 to show how the percentage of the eligible population living or working in the residency preference area conforms to that of the occupancy of the project, waiting list, and housing market area. The latter percentages would be the same as those shown on completed Worksheet 1.

Block 4b – Using Worksheet 3, respondents should describe their use of community contacts to market the project to those least likely to apply. This table should include the name of a contact person, his/her address, phone number, previous experience working with the target population(s), the approximate date contact was/will be initiated, and the specific role the community contact will play in implementing the AFHMP.

Block 4c – Using Worksheet 4, respondents should describe their proposed method(s) of advertising to market to those least likely to apply. This table should identify each media option, percentage of the readers/listeners/users/members/etc. who are members of the targeted population(s), language(s) into which the material(s) will be translated, alternative format(s) that will be used to reach persons with disabilities, and logo(s) that will appear on the various materials (as well as their size).

Part 5- Availability of the Fair Housing Poster, AFHMP, and Project Site Sign.

Block 5a – The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place. Respondents should indicate all locations where the Fair Housing Poster will be displayed.

Block 5b – The AFHMP must be available for public inspection at the sales or rental office. Respondents should indicate all locations where the AFHMP will be available.

Block 5c – The Project Site Sign should display the Equal Housing Opportunity logo or slogan or statement. Respondents should indicate where the Project Site Sign will be displayed, as well as the size of the Sign and the size of the logo, slogan or statement.

Part 6 -Evaluation of Marketing Activities.

Respondents should explain the evaluation process to be used to determine if they have been successful in attracting those groups identified as least likely to apply. Respondents should also explain how they will make decisions about future marketing activities based on the evaluations.

Part 7-Marketing Staff and Training.

Block 7a - Respondents should identify staff positions that are/will be responsible for affirmative marketing.

Block 7b - Respondents should indicate whether staff has been trained on the use of the AFHMP and specify whether there is ongoing training on the AFHMP and Fair Housing Act issues in general. Show who provides the training. In addition, respondents should specify whether they periodically assess staff members' skills in relation to the AFHMP and staff responsibilities to use the Plan. They should state how often they assess employee skills and how they conduct the assessment.

Block 7c - Respondents should indicate whether staff has been trained on tenant selection in accordance with the project's occupancy policy, including residency preferences (if any). Respondents should also identify those staff positions that are/will be responsible for tenant selection.

Block 7d - Respondents should include copies of any written materials related to staff training, and identify the dates of past and anticipated training.

Part 8-Additional Considerations.

Respondents should describe their efforts not previously mentioned that were/are planned to attract those groups least likely to apply for the subject housing without special outreach efforts.

Part 9-Review and Update.

By signing, the respondent assumes responsibility for implementing the AFHMP, and for reviewing and updating the Plan at least once every 5 years, and more frequently if local conditions or project demographics significantly change. MassHousing may monitor the implementation of this AFHMP at any time, and may also request modification in its format and/or content, when deemed necessary. Respondents should MassHousing if they plan revisions to the AFHMP marketing strategy after approval has occurred.

Notification of Intent to Begin Marketing for Initial Occupancy. No later than 90 days prior to the initiation of rental marketing activities, the respondent with an approved AFHMP must submit notification of intent to begin marketing. The Notification is submitted to the MassHousing Rental Management Division and Compliance and Diversity Department. Upon receipt of the Notification of Intent to Begin Marketing from the applicant, MassHousing will review any previously approved plan and may schedule a pre-occupancy conference. Such pre-occupancy will be held prior to initiation of sales/rental marketing activities. At this conference, the previously approved AFHM plan will be reviewed with the applicant to determine if the plan, and/or its proposed implementation, requires modification prior to initiation of marketing in order to achieve the objectives of the AFHMP regulation and the plan.

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 each demographic group for the project (if occupied), waiting list (for existing projects), census tract, housing market area, and expanded housing market area (if the latter is needed to create a more diverse housing market area in terms of race, color, national origin, religion, sex, disability, or familial status).

Wherever possible, statistics should be obtained from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as the U.S. Census Bureau.

If there is a significant under-representation of any demographic group in the project and/or on its waiting list relative to the surrounding housing market area, then those groups(s) that are under-represented will be considered "least likely to apply" without targeted outreach and marketing, and will be so identified in Block 3b of the AFHMP. See Part 3 (page 7 of 8) of the Form for Instructions.

Maps showing both the Housing Market Area and Expanded Housing Market Area should also be attached.

Demographic Characteristics	Project %	Waiting List %	Census Tract %	Housing Market Area %	Expanded Housing Market Area%
White					
Black or African American					
Hispanic or Latinx					
Asian					
American Indian or Alaskan Native					
Native Hawaiian or Other Pacific Islander					
Persons with Disabilities					
Families with Children under the age of 18					
Other					

Worksheet 2: Establishing a Residency Preference Area (See AFHMP, Block 4a)

Complete this Worksheet if you wish to continue, revise, or add a residency preference, which is a preference for admission of persons who reside or work in a specified geographic area. If a residency preference is requested, the preference must be in accordance with the non-discrimination and equal opportunity requirements. This Worksheet will help show how the percentage of the population in the residency preference area conforms to that of the occupancy of the project, waiting list, and housing market area.

Attach a map specifying the area for which the residency preference is requested.

Demographic Characteristics	Project % (as determined in Worksheet 1)	Waiting List % (as determined in Worksheet 1)	Census Tract % (as determined in Worksheet 1)	Housing Market Area % (as determined in Worksheet 1)	Expanded Housing Market Area % (if needed and as determined in Worksheet 1)	Residency Preference Area % (if applicable)
White						
Black or African American						
Hispanic or Latinx						
Asian						
American Indian or Alaskan Native						
Native Hawaiian or Other Pacific Islander						
Persons with Disabilities						
Families with children under the age of 18						
Other (specify)						

Worksheet 3: Proposed Marketing Activities – Community Contacts (See AFHM Plan, Block 4b)

For each targeted marketing population designated as least likely to apply in Block 3b, identify at least one community contact organization you will use to facilitate outreach to the group. This could be a social service agency, religious body, advocacy group, community center, etc. State the names of contact persons, their addresses and phone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing program.

Targeted Population(s)	Community Contact(s), including required information

Worksheet 4: Proposed Marketing Activities – Methods of Advertising (See AFHM Plan, Block 4c)

Complete the following table by identifying your targeted marketing population(s), as indicated in Block 3b, as well as the methods of advertising that will be used to market to that population. For each targeted population, state the means of advertising that you will use, as applicable to that group. In each block, in addition to specifying the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.), state any language(s) in which the material will be provided, identify any alternative format(s) to be used (e.g., Braille, large print, etc.), and specify the logo(s) (as well as size) that will appear on the various materials. Attach additional pages, if necessary.

Targeted Population(s)→ Methods of Advertising ↓	Targeted Population:	Targeted Population:	Targeted Population:
Newspaper			
Radio Stations			
TV Stations			
Electronic Media (e.g., internet advertisements, websites, etc.)			
Bulletin Boards			
Brochures, Notices, Flyers			
Other (specify)			

ADDENDUM:

Note:

SATISFACTION OF EOHLC REQUIREMENTS WHEN USING MASSHOUSING MODEL TENANT SELECTION PLAN AND MASSHOUSING AFFIRMATIVE FAIR HOUSING MARKETING PLAN

I. Preamble- Applicability

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the Subsidized Housing Inventory (SHI) shall have an Affirmative Fair Housing Marketing Plan (AFHMP). The affordable Use Restriction documents of said housing must require that the AFHMP, subject to the approval of the subsidizing of funding agency, shall be implemented for the term of the Use Restriction. Affirmative Fair Housing requirements apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Executive Office of Housing and Livable Communities (EOHLC). In the case of M.G.L. c.40B projects, the AFHMP must be approved by the Subsidizing Agency.

A. Developer Staff and Contractor Qualifications

The entity and individual with primary responsibility for resident selection (whether in-house staff or third party contractor) must have substantial, successful prior experience in each component of the AFHMP for which the party will be responsible.

*a) the entity must have successfully carried out similar AFHMP responsibilities for a minimum of three (3) projects in Massachusetts:
OR*

b) the individual with primary responsibility for the resident selection process has successfully carried out similar AFHMP responsibilities for a minimum of five (5) projects in Massachusetts.

B. Affirmative Fair Housing Marketing Plan- Required Components

1. Informational materials for applicants including a general description of the overall project that provides key information such as the number of market/affordable units, amenities, number of parking/garage spaces per unit, distribution of bedrooms by market and affordable units, accessibility, etc.

2. Application materials including:

- a. The application form.*
- b. A statement regarding the housing provider's obligation not to discriminate in the selection of applicants, and such a statement must also be included in the application materials.*
- c. Information indicating that disabled persons are entitled to request a reasonable accommodation of rules, policies, practices or services, or to request reasonable modification of the housing, when such accommodations or modifications are necessary to afford the disabled person equal opportunity to use and enjoy the housing.*
- d. An authorization for consent to release information.*

3. Outreach and Marketing Requirements

- a. Marketing should attract residents outside the community by extending to the regional statistical area as well as the state.*
- b. Advertisements should be placed in local and regional newspapers, and newspapers that serve minority groups and other groups protected under fair housing laws. Notices should be sent to local fair housing agencies, local housing authorities, civic groups, lending institutions, social service agencies, and other non-profit organizations.*
- c. Affordable units in the Boston Metro Area (Boston-Cambridge-Quincy MSA) must be reported to the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House). Such units shall be reported whenever they become available (including upon turnover).*
- d. Affordable and/or accessible rental units must be listed with the Massachusetts Accessible Housing Registry whenever they become available (including upon turnover).*
- e. Marketing should also be included in non-English publications based on the prevalence of particular language groups in the regional area.*
- f. All marketing should be comparable in terms of the description of the opportunity available, regardless of the marketing type (e.g., local newspaper vs. minority newspaper). The size of the advertisements, including the content of the advertisement, should be comparable across regional and minority newspapers.*
- g. Advertisements should run a minimum of two times over a sixty day period and be designed to attract attention.*

- h. *Pursuant to fair housing laws (42 U.S.C. 3604(c); M.G.L. c. 151B, Section 4(7B)), advertising must not indicate any preference or limitation, or otherwise discriminate based on race, color, disability, religion, sex, familial status, sexual orientation, national origin, genetic information, ancestry, children, marital status, or public assistance reciprocity. Exceptions may apply if the preference or limitation is pursuant to a lawful eligibility requirement. All advertising depicting persons should depict members or classes of persons protected under fair housing laws, including majority and minority groups.*
- i. *The Fair Housing logo and slogan ('Equal Housing Opportunity') should be included in all marketing materials.*

4. *Availability of Applications*

Advertising and outreach efforts shall identify locations where the application can be obtained. Applications shall be available at public locations including one that has some night hours; usually, a public library will meet this need. The advertisement shall include a telephone number an applicant can call to request an application via mail.

5. *Informational Meeting (lotteries)*

The lottery administrator must offer one or more informational meetings for potential applicants to educate them about the lottery process and the housing development. These meetings may include local officials, developers, and local bankers. The date, time and location of these meetings shall be published in ads and flyers that publicize the availability of lottery applications. The workshops shall be held in a municipal building, school, library, public meeting room or other accessible space. Meetings shall be held in the evening or on weekend days in order to reach as many potential applicants as possible. However, attendance at a meeting shall not be mandatory for participation in a lottery.

The purpose of the meeting is to answer questions that are commonly asked by lottery applicants. Usually a municipal official will welcome the participants and describe the municipality's role in the affordable housing development. The lottery administrator will then explain the information requested on the application and answer the questions about the lottery drawing process. The Developer should be present to describe the development and to answer specific questions about the affordable units.

C. *Local Preference*

If a community wishes to implement a local selection preference, it must

- (i) *Demonstrate in the AFHMP the need for the local preference (e.g., the community*

may have a disproportionately low rental or ownership affordable housing stock relative to need in comparison to the regional area; and

(ii) Demonstrate that the proposed local preference will not have a disparate impact on protected classes.

In no event may a local preference exceed 70% of the (affordable) units in a Project.

The Subsidizing Agency, and in the case of the Local Action Units, EOHLC as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences should be approved by the Subsidizing Agency (or EOHLC in the case of Local Action Units) prior to including such language in the comprehensive permit or other zoning mechanism.

Allowable Preference Categories

1. Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
2. Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
3. Employees of Local Businesses: Employees of businesses located in the municipality.
4. Households with children attending the locality's schools, such as METCO students.

When determining the preference categories, the geographic boundaries of the local resident preference area should not be smaller than municipal boundaries.

Durational requirements related to local preferences, that is, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case.

Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality's schools, such as METCO students.

A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against disabled and elderly households in violation of fair housing laws.

Advertising should not have a discouraging effect on eligible applicants. As such, local residency preferences must not be advertised as they may discourage non-local potential applicants.

Avoiding Potential Discriminatory Effects

The local selection preferences must not disproportionately delay or otherwise deny admission of non-local residents that are protected under state and federal civil rights laws. The AFHMP should demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect. For example, the community may move minority applicants into the local selection pool to ensure it reflects the racial/ ethnic balance of the HUD defined Metropolitan Statistical Area as described below. However, such a protective measure may not be sufficient as it is race/ ethnicity specific; the AFHMP must address other classes of persons protected under fair housing laws who may be negatively affected by the local preference.

D. Lotteries

Resident selection must generally be based on a lottery, although in some cases it may be based on another fair and equitable procedure approved by the Subsidizing Agency. A lottery preferred over a “first-come, first-serve procedure,” as the latter procedure may disadvantage non-local applicants.