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>> : Hello everyone. You are joining the affirmative marketing training by the Texas department of housing community affairs. We will get started in about 5 minutes. But included in this go-to webinar platform are the handouts in the training as well as the

presentation slides, the PDF version of those slides.

Feel free to download those handouts and following along with the presentation. We will start in about 5 minutes. If you want to go tips and tricks to the platform itself?

>> Nathan: Absolutely. Welcome to the go-to webinar platform. Quick notes, house keeping notes: you want to make sure that your sound is working.

Go ahead and open the audio tab in your go-to webinar software and there should be a link that says "sound check". And we will make sure when we get going live you don't run into any snafus there that can keep you from hearing or seeing the entirety of the presentation.

We will be taking questions. The best way to do this is to go ahead and submit your questions in the questions box. We will try to answer them either right then if it is timely and we catch it in time. We may catch it later and answer it down the road. If it's a question we aren't able to answer during the presentation, we will make sure that we get back to you and we will let you know that we will be getting back to you as well. There are four handouts for this presentation. They are in the handouts section of go-to webinar. You can go ahead and download all of the items there if you want them -- you want to be able to view them during the presentation at your leisure. They include some HUD guidance as well as I believe we have the slides for this presentation there as well.

>> Erin: Yup.

>> Nathan: Yes.

>> Erin: Awesome. So yeah, guys, we're going to do another three minutes of allowing people to log in and then we will get started.

All right. Good afternoon everyone. Thank you for joining today's webinar. We are so excited that so many of you have decided to join us today. And today's training is on affirmative marketing.

The disclaimer before we get started: this material material is based upon work supported by the U.S. department of housing and urban development under the FHIP grant. Any opinions, findings, conclusions, and recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the U.S. department of housing and urban development.

I just wanted to note that all materials and recordings of this webinar will be available on the TDHCA web site. But 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. Like Nathan mentioned earlier, if we catch them in time and answer them timely as they come in.

This training is informational only and does not satisfy the requirement in 10TAC10.402E1-2 for post bond closing documentation and documentation submitted for the 10% test for housing tax credits.

Like I said, my name is Erin Phillips I am the fair housing training specialist and with me today is my colleague, Nathan Darus. Would you like to say hello?

>> Nathan: Good afternoon everybody.

>> Erin: This training should last about 90 minutes. I expect a lot of great questions so we really want to give you guys time to be able to give in questions and answer them. So we're going to shoot for around 3:30 Central Standard Time for this to end.

So today's training includes the following. We will talk about the fair housing act, the affirmative marketing overview, affirmative marketing plan requirements, we will talk about how to develop an affirmative marketing plan and procedures for implementing the plan. And by the end of today's training, you should be able to understand, develop, and implement to populations within the plan. And also learn how to implement an affirmative marketing plan.

All right?

Awesome. So let's just go right into the federal and Texas fair housing acts. In this section there are the laws and legal basis for the federal affirmative marketing provisions.

The fair housing act 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, familial status, the national or origin sale, rental, or advertising of dwellings in the provisions of brokerage services or in availability of real estate related transactions [Reading text on screen]. Each applicant for housing development or HUD should have a fair housing marketing policies and soliciting buyers and tenants in advertising the availability of advertising.

You see the citation there. There is CFR. It stands for code of

federal regulations which is a document that containing all the regulations published in the federal register and is divided into 50 sections. Housing and development is found in title 24 which is also where the majority of fair housing regulations are located.

The Texas Fair Housing Act mirrors the text of the federal fair housing act.

And is enforced by the Texas Workforce Commission. The Texas commission of human rights was accomplished by the state legislature when it passed on June, 1983. To enforce the law and handle complaints filed under the Commission or under United States equal opportunity commission. When the act was passed by the legislature on May 25th, 1989, the Commission was empowered to enforce provisions. Effective September 1st, 2015, the duties and authority of a Texas Commission on Human Rights were transferred to the civil rights division of the Texas Workforce Commission.

So regulations for the Texas fair housing act are found in the Texas property code and the Texas administrative code.

Let's move right into the affirmative marketing overview in the section we will discuss the policies themselves which indicate the requirement of the affirmative marketing plan.

Okay?

Affirmative fair housing marketing and outreach is a requirement per statute, executive order, and regulation. [Reading text on screen] [Reading text on screen] the plan helps owners, agents, or respondents effectively market the availability of housing opportunities to individuals of both minority and nonminority

groups least likely to apply for occupancy. Affirmative fair housing marketing should be part of rehabilitation and existing fair marketing and advertising activities.

It is the policy to administer the federal programs affirmatively to achieve a condition in which individuals of similar income levels in the same housing area have the same housing available to them regardless of the class which, again, is race, color, religion, sex, [inaudible], or national origin. Each applicant in subsidized and unsubsidized should assume these and buyers and tenants in eligibilities in sales and transactions.

This policy is also applicable for home partnership program, national housing trust fund program and the neighborhood stabilization program and those are all the citations in which the requirement for the plan is indicated.

So here are the affirmative marketing requirements that are codified in that code of federal regulations. They include specific instruction on how to affirmatively market to populations least likely to apply to properties that receive federal funding. The tasks including carrying out ... [Reading text on screen] we will get into this later on when we talk about the plan itself.

Okay guys. Any question -- questions I should say with what we just talked about with respect to the regulations before we move into TDHCA requirements?

Do you see anything, Nathan?

>> Nathan: The only question that has come in is regarding the HUD9352B form that we have in the handout section.

And it was pointed out, correctly, that the one we have listed there is expired and that is correct. The 9352B has not been updated yet.

The 2A form does have a more updated version.

So, the 9352B that expired, I believe it says 2016, is the most up to date version.

>> Erin: Right. And it's still applicable and we can use that as well. I guess. It has not been updated by those who created the form.

>> Nathan: Correct.

>> Erin: Awesome. Awesome. So let's move right into the TDHCA requirements. In the section we will discuss the affirmative fair housing marketing plan requirements for single and multiple family properties. And in this section as a reminder we will go through how to develop the affirmative marketing plan including how to identify least likely to apply populations.

Okay?

So single family requirements. TDHCA requirements an afirmtive marketing plan. Affirmative marketing procedures must continue throughout the length of the program including the period of affordability. For single family homeownership, it remains in effect until all units are sold. And it should you be submitted to the department each time the administrator applies for a new contract or type of activity and reflect that marketing activity specific to the activity type.

The administrator may submit a previously approved plan if no

changes need to be made.

The plan must be submitted at a minimum of every 3 years the administrator continues to accept new application. Single family homeownership that has an existing list of applicants and are not accepting new or establishing a weight list aren't required to affirmatively market until accepting new applications. However you must develop a plan.

Okay?

So this is the form. Form 79352B. You must use this HUD form for single family housing or create an equivalent plan that includes the identification of least to apply. You may use this marketing tool to determine the population least likely to apply. Then we will be going through that step by step and how to determine that population. If you use another method to determine the population least likely to apply, the plan must provide a detailed explanation of the method used.

Persons with disabilities is always considered least likely to apply. And must provide a separate plan for each market area and how assistance will be provided. Again, this form is available on the TDHC as well as as well as the handout portion of this webinar program.

>> Nathan: Erin, if I can jump in here. I did want to mention I had forgotten that the 9352B expired not in 2016 but -- no, it was updated in 2016. It expired on the 31st. HUD is currently looking at accepting comment for -- to revise and update this form.

So, a new 9352B should maybe possibly be forthcoming in the

next year.

So it will be updated and, like I said, they are looking at making some changes. That process hasn't started yet but it is going to start soon.

>> Erin: Awesome. Okay. Let's move into multifamily the affirmative marketing plan requirement also applies to multifamily housing properties or all developments with 5 or more total units receiving funding. This includes marketing the units to promote equal --

[SPEAKER TOO FAST TO TRANSCRIBE]

You must develop and carry out an affirmative marketing plan to provide for marketing strategies and documentation of outreach efforts to prospective applicants least likely to apply. And owner must update it's affirmative marketing plan and populations that are least likely to apply every 5 years from the effective current plan. And this is the form for multifamily HUD935.2A.

And per the requirement of the TAC rule, developers must develop an affirmative marketing plan that has I should this work sheet which we encourage you to utilize to complete your plan. It is up to you to use it but at a minimum the owner must document they have compared the demographic composition to the market area to determine the populations least likely to apply.

Again, like single family, all affirmative marketing plans must provide for affirmative marketing to persons with disabilities.

So, I just wanted to show you guys how to access the forms directly on the TDHCA site. You can go to wealthy

HDHCA.state.Texas.us (on screen) -- or to access from the home page go to the link at the bottom. Under the supports and services tab at the top of the screen click on compliance and then in the pop-up section click on forms and on the forms page go down to the section to access the HUD form. 935.2B. And multifamily it's a little further down to the compliance form for multifamily properties and click on the current version of the HUD form, 9352A.

Again, these forms are available for you to download in the handout section of the go-to webinar platform. I just want to make a note as well: we do have in the handouts an assistance guide for single family which is an awesome tool for you guys to use. I really really recommend that you download it. It also has really great guidance for multifamily as well but that is in the handout section of this go-to webinar platform as well as right underneath that link for the HUD 935DB also circled on the screen but you can access the guide as well on the TDHCA web site.

Any questions before we get into how to determine least likely to apply populations?

>> Nathan: Yes. We have a few questions. Excuse me. The first is: so does each population need to have its own affirmative marketing plan?

And the answer to that is: no.

Each population does not need to have its own plan. You can indicate multiple populations on the same plan.

The only place where it's going to look any different is going to be when you go to identify your community contacts and your

community contacts won't just be theoretically or hopefully it won't just be for one of the least likely to apply populations.

It will be for more than one. So, yes, you can have one plan with multiple populations on it.

Another question is: TDHCA has previously allowed the older version of this form that was fewer pages. Are we no longer allowed to use the older version?

All right. So as far as TDHCA is concerned, as long as your plan conforms to the Texas administrative code requirements for whether it's the multifamily or single family, we don't care which version of the form. And, in fact, for our single family programs, we have created a form that's for either our home or NSP subrecipients as well as our office of colonial initiatives that basically boils all of this down to two pages, front and back.

So it's much easier and simpler to submit. And we can show you exactly where that is. Erin, is that later on?

>> Erin: I believe so. Talking about colonial?

Is that what you're talking about?

>> Nathan: That or the single family affirmative marketing plan. Either way we can show it on the web site. We can show you where to access those.

>> Erin: Oh yes.

>> Nathan: Another question that we got: what an affirmative marketing plan might look like with rental assistance through, say, coordinated entry. Where you have a coordinated entry process

that's sort of external to your program. I believe that is -- you might be talking about, say, an ESG. Well that might be an ESG subrecipient but it also might not. So if you have allowable preferences and so coordinated entry from local homeless shelters or coalitions, I believe is an allowable preference.

We will actually talk about preferences in a little bit.

>> Erin: Yeah.

>> Nathan: So we will show you -- I just wanted to make sure you knew we were going to cover this. We will show you how to handle that process in terms of when you have what are called preferences.

>> Erin: Yeah. And I just wanted to note or reiterate what I said before in the question with respect to a separate plan for different populations. I said earlier if you're providing assistance in more than one service area the plan is for each market area. I want to make that clear. It's per service market area. Not per population.

Okay?

>> Nathan: Okay. So another thing is I just realized that we literally have the web site up on the slide. Just prior to this one. So if you will roll back for a second?

>> Erin: Mm-hmm?

>> Nathan: So just above where you have the HUD 9352B affirmative marketing form, you will see that they have these HDHCA forms, the single family affirmative marketing for NSP or for colonias. You can use those if you are one of our single family

administrators just make sure you pick the right form. Those will help you to navigate our process. If you're a home recipient, you're still gonna need to do your 9352B for HUD. But as far as HDHCA is concerned, this form is sufficient.

>> Erin: Okay, awesome. Do you want to get started into least likely to apply populations?

>> Nathan: Absolutely.

>> Erin: Awesome. All right. Take it away.

>> Nathan: One of the first things that you will have to do in terms of determining your least likely to apply populations for your affirmative marketing plan is to determine what your service area is.

For single family programs it's likely covered in your TDHCA contract. For multifamily properties it's going to be your covered service area which is going to look a little bit different for each property depending on where the property is located. If you're a property in a very large city, for example, Dallas, you're going to want to maybe look at the Dallas or Dallas Fort Worth MSA. The City of Dallas or Dallas county or the entire Dallas Fort Worth MSA. But if you're in, say, loving county, your service area may just be loving county or it may be multiple counties around since the area is just so small. I don't even think there are any TDHCA multifamily properties in loving county now that I think about it.

And this is something you're going to know about your multifamily property better than we might necessarily. You know where individuals are going to come from to apply for your property. So the next thing that you have to do is determine whether you are

an established property or if you are a property that is in lease-up. If you're an established property you probably have or should have basic demographic data about the tenants and the households that are on your property.

And that information is going to include race and sex and if there are children under 18 in the household. And ethnicity information such as whether or not the outputs are hispanic. If you have an established property and you have that demographic data, great. That's kind of the gold standard. That's the easiest -- and that's going to be the easiest in terms of determining your least likely to apply populations.

We will get to that in a second.

But if you aren't able to -- if you don't have a property that's established and you're in lease-up you're going to find data about your immediate area. So that's why you're going to want to look at the American community survey to determine your least likely to apply populations. So we will get into the steps here.

So in order to find your -- both your market area and if you're a property that is in lease-up or a single family program. This is going to be where you look for your census or city.

So you will want to go to [data.census.gov](https://data.census.gov). And we're going to go ahead and walk through an example for Harris county so you can see what this looks like, beginning to end.

Once you get to the site, all you have to do is type in DP05 into the large search box.

And it should bring up a table or the results that say DP05, ACS

demographic and housing estimates.

Go ahead and click on that table.

Once you do, it will bring you to a sort of table of the United States.

Obviously we don't care about the rest of the country because we're in Texas and we care about Harris county in this particular instance.

You want to click the customize table button.

When you get there, there are going to be a couple of things that you want to do.

The first is to go ahead and click the "product" drop-down menu and make sure you're using the most recent 5-year estimates data profiles.

If you use any of the one-year data profiles it is very likely you will not be able to find your census tract or in some cases your city or county if it's small enough. Make sure to use the 5-year data estimates.

Next thing you want to do is to go ahead and click the button that says "margin of error".

The margin of error is not necessary or important to this process. It just gets it out of the way and makes it a lot easier.

So, once you have determined your market area. And we have determined that ours is somewhere in Houston.

We want to select geographies. It's under the geos button. This

is where you will have a couple of different options.

So, in this case, our service area is going to be Houston or Harris county. It's going to be Harris county. So this works for both single and multifamily plans.

Go ahead and select either metropolitan statistical area if you just want the city. Or if you want to select Harris county, there is a selection for county as well.

Both of those are shown in this graphic here. You can see where you can find either the Houston Woodland, Sugarland MSA or Harris county as the MSA.

Another super cool trick is that you can use the "hide" option to go ahead and just show the percent. The reason why you want to see just the percent is it's going to save you a lot of steps and a lot of calculation that you don't want to do. Go ahead and deselect everything except for percent. And now you can literally copy the demographic data into your HUD 9352A or 2B work sheet and compare it to either your property demographics or the demographics of your census tract if you're a multifamily property in lease HUD. Make sure to save the property and market area data to submit with your affirmative marketing plan.

So in the case that you do not know what your property looks like. So you don't have demographic data on your property and if you don't -- or if you are a single family program. You will need to use data from your cen -- sorry. This does not apply to single family this is still multifamily I'm sorry.

If your property is in lease-up or you may have just inherited your property from a different owner who didn't keep nearly as

meticulous records as you will, you may need to find out information about your census tract. This is where the -- either of these tools, these links here, will help you find your census tract. The geo coding one from the census is great but it's sometimes a little bit harder to read the output and understand what it's trying to tell you.

The second link, however, is really great because it does have all of the data from that table DP05 about your census tract. The only thing it doesn't have is data on households with children.

And table DP05 doesn't have households with children either. So we're going to have to look it up in a second table anyway which we will show you in just a bit here.

But this is going to be the best way to find your census tract. So you can put in your property's address. In this case we used this -- it's a real property in the TDHCA portfolio. I can't remember the name of it but it will give you the census tract which in this case is Harris county 5304. So that's great. And then you can just hit that census demographic data and it will bring up an extra little table for you that has all of the data that you will need. So you don't have to go back to the census web site and search through table DP05.

So just like -- if you do not use the -- that tool that I showed you, you can go back to data.census.gov. And we will show you since you have to get it from another table for households with children. You can go back to the American community survey just like you did with the larger market area. And select table area DP05 but go for your census tract. Make sure you remember to put it to select the 5-year estimates data profile. In the geography section

select tract instead of county or metropolitan statistical area before.

And it will lead you through a group of choices. Obviously we're going to look in Texas. And we know that Harris county is where this census tract is. You can either search or scroll through the results here in that final column to find the census tract that you are looking for.

[overlapping speakers]

>> Erin: I was going to say for this, why we put this here. I wanted to show you exactly where you would want to put all that data that you found in census.gov into the forms to complete your plan. Go ahead.

>> Nathan: Right. On your form 9352B you're going to use section 2 and 3.

And you're going to select all the ones that apply here. Usually section 2 is not something that TDHCA specifically requires but HUD does require you to get this information.

It is an extra step, certainly, to figure out whether it is a nonminority, minority area, or mixed area. Most of the time, though, it's going to be a mixed area except in some of your more rural counties in the panhandle and northern Texas area.

You will also select which least likely to apply populations there are in question or section 3. In section 3 we do require you to fill that section out.

>> Erin: As a reminder: persons with disabilities is necessary, no matter what.

>> Nathan: Yes. So, this is where there is going to be another little point of divergence. If you are a TDHCA monitored single family program or a TDHCA monitored multifamily property, you do need to run this analysis for households with children unless you qualify for the housing for older persons act and you qualify as elderly under that definition and you do not have any HUD funding that requires you to accept households with children.

In that case, then you don't have to include households with children in your analysis.

That is fairly uncommon.

Most of the time, you are probably -- I mean if you're filling out a 9352B it means you probably have HUD funding. So you probably do have to include households with children in your analysis.

The exceptions here would be if you are a low income housing tax credit property with no layered HUD funding and you meet the definition for housing for older persons act as elderly housing.

So, that's just that little caveat there.

So in order to find the data from the ACS on households with children, you're going to follow all the same steps we outlined in the previous slides. The of difference is going to be you're going to type in S1101 instead of DP05. And all of your steps are going to be the same. You can even see here you may have to use -- and this is something else I should mention here. You may have to use this little slider here that says "show summary levels" in order to find census tract. It just depends on the mood of the census bureau web site. I have literally done this very

same step and couldn't find the census tracts and came back a few days later and could find it. Keep working on it. If you really have an issue you can reach out to us and we can help with technical assistance.

So for multifamily properties, where you're going to put all of this information including our households with children, it's going to be on that HUD 9352A in section 3A work sheet 1. It has that whole little table for you underneath it.

So you have your project which will be your property's residence. So how many of them are -- the percentage of them that are white in both your property and your census tract and your housing market area and your expanded housing market area.

If you have property data and you have housing market area data, that is enough for TDHCA purposes for you to determine your least likely to apply populations.

The expanded housing market area would be if you are in a smaller area and you just simply don't have enough data on your primary market area. You're going to want to expand it out a little bit. It's less common that you needed the expanded common housing market area.

>> Erin: All right. We are at the end of this section. Nathan, do you want to check for any questions before we get into community contacts?

>> Nathan: Yes. I know that we do have some. And some excellent questions!

First question: households with children. Is households with

children a required group just like persons with disabilities?

No. It is not a required group for outreach. It is required that you look to see if it is a least likely to apply population just like you would with black hispanic Asian white. All of the other groups that you already have to look through to see if they are least likely to apply. You need to look to see if households with children is the least likely to apply population.

Where as with persons with disabilities, it doesn't matter. You don't do the analysis at all. You are always required to affirmatively market to persons with disabilities.

>> Erin: Yes.

>> Nathan: So what do you do if you are creating -- ahhh we do cover this. The question is: what do you do if you are creating an affirmative marketing plan for least-up and don't have a census tract number yet?

If we roll back for a second to the slide that has the map. What if I don't have property demographics?

That one right there. Either of those web sites there will be able to find you your census tracts.

So that information's available. Just as long as you have the -- either the address for the property or it can work if you just have, like, a -- if you can sort of guess at the address and get close enough. You know, whatever the building next door to yours is if you don't have the full address yet. But you should be able to get the census tract from that. Does the exemption for households with children also apply to single room occupancy for

adults only?

And that is a fantastic question!

Christina, I'm going to have to actually get back to you on the answer to this. I believe that if you are legally allowed to -- you are SRO for adults-only, I believe that you do not have to affirmatively market to households with children because they would not otherwise qualify unless you have HUD funding for in your [inaudible], a requirement that you accept households with children.

So I know that's weird but it's going to entirely depend upon your HUD funding stream. I will get some more details for you and I will -- and we will get you some more information on that. So I will make sure that we get back to you on that. Do we want to -- [overlapping speakers] one more question.

>> Erin: Okay.

>> Nathan: Which is -- oh no. Never mind. There are no more questions. I just forgot to move one.

>> Erin: Awesome. Awesome questions, guys. Keep them coming. Let's move forward into community contacts.

For the rest of the training we will go into the other sections of the plans and what they are and how we are going to fill those out, okay?

So for this one we're going to talk about community contacts which, for the plan, are organizations whose services are geared toward or whose clients are primarily members of a protected class. It is important to note that in order to cap toward the

minimum number of three required contacts an organization's clientele must consist of members of at least one of the least likely to apply populations identified in your affirmative marketing plan, okay?

So, for example, after you have completed your research to identify the populations that are least likely to apply, you determine that African Americans and persons with disabilities is least likely to apply. Part of your plan is to say how you will market to these populations effectively and affirmatively marketing means contacting organizations and groups within the communities and introducing yourself with your properties of availability. And research whatever you have readily available. Brainstorm with coworkers who might identify with one of the demographic groups least likely to apply. Start with businesses and properties that are around the property that you are affirmatively marketing and just affirmatively market and advertise as well.

You might also find that a least likely to apply population is white and non-Hispanic in your area which is completely normal for many areas. It does not automatically infer that is a community of color. Go through the process and identify communities and organizations and contacts where that group might frequent like places of worship and community services and places for persons with disabilities and learning and resource center. And African Americans, it can be NAACP or historically black churches or places of worship or black media outlets. And 211 is an awesome resource in Texas. Nathan, I believe you also had an example on markets and groceries?

This is my note. I don't know if you wanted to start here, to go on that example for Asian markets in the community for community contacts.

Are you muted?

Are you talking?

>> Nathan: Yes. Did we not put this at the end?

Oh. It's in a few slides.

>> Erin: Okay. Awesome. I will cover this this in a few slides. I just had the note to remind myself. Single family programs, form 9352B, if you have more than four contacts to include you can attach an additional sheet to your plan. But keep in mind that the requirement is three for contacts.

You have the groups and organizations to indicate you have made a community contact.

Okay?

For multifamily, it is in the form 9352A, section 4B work sheet 3.

So the multifamily form includes work sheets to fill out. So include the names, contact persons, addresses, and any previous experience your property has had working with the target population and the dates the contact was initiated.

Okay. Nathan touched on this a little bit before but just, again, I wanted to state that elderly developments that meet the housing for old persons act definition and are not required by regulation, use agreement, or zoning to house houses with children are not required to affirmatively market based on familial status. This

group is not a least likely to apply group. However, elderly developments that must accept otherwise qualified households with children need to analyze whether this protected class is least likely to apply. If you're not required to accept households with children you don't need to affirmatively market to households with children.

Also for veterans. Some land use agreements require additional marketing to specific populations such as veterans or farmworkers. This is a TDHCA requirement but not an affirmative marketing requirement because a veteran is not a protected class.

So it does not satisfy the community contacts for affirmative marketing purposes. Nathan, do you want to touch on the topic of veterans and marketing to them?

>> Nathan: Yes. Like Erin said there, are some land use restriction agreements in our TDHCA portfolio that require additional marketing to some other populations that are fairly specific such as like she said veterans or farmworkers. This would be what's considered a general marketing requirement.

So, yes, TDHCA, does require that property to market to veterans or farmworkers but that does not -- it's not the same as and does not satisfy the requirements for affirmative marketing.

Affirmative marketing should only be done to least likely to apply populations that are members of protected classes.

So veterans is not a protected class nor are farmworkers. So what type of job you have, not a protected class.

Whereas persons with disabilities is definitely a protected class. So affirmative marketing must be done to protected classes while

there may be additional on top of your normal requirements. Requirement to market the veterans or farmworkers. There has been a little bit of confusion on this in the past but we're hoping to clear this up.

>> Erin: Yeah. Okay. So, what if you can't find contacts for a population?

If you can't do so, you must document the reasons as to why in your affirmative marketing plan. Documenting the process to the discovery and the reasons why is important. And you need to provide supporting evidence to indicate as to why you couldn't achieve the requirement for three community contacts for that least likely to apply population.

I believe this is where I asked you for the -- awesome. For the example.

>> Nathan: Yes, that's correct.

>> Erin: Okay.

>> Nathan: So, if you are unable to very easily find a least -- community contact for one of your least likely to apply populations there are some steps that you should take. You can't just say, I looked and couldn't find any. You need to document that you tried.

So this is actually a real-world example from actually not that long ago. An applicant for a single family -- one of our single family programs in Texas which has a population of 3,000. I looked up the single family affirmative marketing tool as I showed you before and it shows that Asian was one of the least likely to

apply population which is home rehabilitation assistance.

So the applicant said Slaton has a very small Asian population so they just couldn't find any community contacts that would serve that group. And that's understandable. The population of Slaton, again, was only 3,000 and it was about 2%, I want to say of the population of Slaton was Asian.

So there is not going to be a whole lot of organizations whose clientele primarily consists of Asian people.

So what should they do in that case?

Or what should you do in that case?

Here is an example of what you could have done.

Look at where the community works.

Slaton is a town of about 3,000 people. And one of the things that I did was go to -- it's called onthemap. If you do this kind of analysis and show that you did this kind of analysis and still couldn't find any community contacts, then you're gonna be fine saying you couldn't find the least likely to apply community contacts.

Just you want to show that you did the work and that you put in the effort to look for it.

So, if you want to use onthemap which I think is a great one, one of the things that you can use is called the destination analysis.

So you can really just go to onthemap or you can Google it. It's very easy to find that way. And perform analysis -- destination analysis on where people live.

So you want to start with where they live. And we selected Slaton, Texas, for this particular example.

And you look at destination type.

So we wanted to look and see where people in Slaton worked.

So when we hit "go" on this analysis, these are the results that we got. Over half of the population of Slaton works in Lubbock. So if you have a job and you live in Slaton, odds are you didn't work in Slaton. One of the things that you could have done would be to, say, look for Asian chambers of commerce and grocers in the city of Lubbock. And other groups that would serve primarily Asian clientele. It turns out there were plenty of Asian grocers. The instance of a large university there probably helped some.

So this would be one example of analysis to say, hey, I looked and couldn't find any contacts. In this case we were able to find some contacts fairly quickly. Obviously not all towns are going to have an answer like this. But document the steps that you're taking to show that you have evidence that you looked for contacts.

I think this is actually a good time to answer one of the questions that came up here which is: what is an acceptable community contact for white or Asian?

We talked about some for Asian. You know, a lot of larger cities do have these Asian chambers of commerce. If you are able to find somebody who is -- you know, it doesn't have to be, say, a church or a community group like a formal community group. If it is somebody who is just, say, a business leader in the area who, you know, works primarily with clientele who are Asian, that also is fine.

When it comes to white or there is another possibility, sometimes non-hispanic shows up as a least likely to apply population.

You know, there is going to be any number of places that you can look. Churches are always a good community contact for those populations. There is no reason to believe that they serve -- that many church -- there are some exceptions obviously. But most churches serve primarily a white or if it's an American -- or African Methodist Episcopalian church, that would be a place to affirmatively market to black households.

So, you know, it's -- I understand that it's a sensitive topic, a sensitive subject. There are going to be times when we have to make a little bit of a difficult choice, but, you know, just remember that, you know, this is to show -- affirmative marketing is to show that you're doing effort to reach out to groups that are not likely to be coming to you without this special outreach.

So, again, it's a demonstration of putting out that -- putting in that effort to find those groups.

>> Erin: Right. And to affirmatively find housing.

>> Nathan: Yeah.

>> Erin: We're going to finish out the rest of the our sections. And then we get to the end, we will hit all the rest of the questions that we have, okay?

I wanted to finish this last part and then we will have a huge question-and-answer time.

So in this section we're going to talk about the media outlets

portion of the plan. It requires you to say which media outlets you will use to market your property. In single family form it's HUD section 4A. And in this section of the form you have to identify the media outlets and list the name of the newspaper, radio, or TV station. The group or identification of the readers and audience and duration and size of advertising. For example, if you have a radio ad for 30 seconds you indicate it's a 30-second ad you're going to be playing for the month of April.

So the size and duration of your advertising for that particular media outlet.

For multifamily you're going to fill that out in the section 4C, work sheet 4.

With regards to methods of advertising. Again, including newspaper and method of advertising and media outlet and target population and the length and time of your ad itself.

Both plans need to identify contacts that are from different contacts that reach to your specific target populations.

That was a quick one but that just covers the plan in its totality for the sections that are required.

So let's talk about how we implement the plan.

As mentioned previously in the community contacts and media section, once a calendar year have efforts through specific media, organizations, or community contacts that you work with. For multifamily the outreach must be performed at least once per calendar year and single family there is no specific timeline but outreach whenever you are accepting new applications.

For single family homeownerships, affirmative marketing is required as long as you're accepting applications and also all dwelling units are sold.

Again, people with disabilities are considered least likely to apply.

So, per TAC rule for multi and single family, fair housing logo must be contained in materials for advertising and marketing. And it must include the contact information for the individual who can assist and if accommodations are needed in order to complete the application process for your property. The property contact information must be provided in English and Spanish and may be required to provide it in other languages in accordance with the limited English proficiency requirements.

In addition to the fair housing logo, and there is a statement and a slogan. The slogan is "equal housing opportunity" just the three words. And the statement is "we are pledged to the letter and spirit for the US policy of achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative -- housing because of race, color, religion, sex, and national origin".

It requires affirmative marketing efforts for each of the identified populations and the least likely to apply and begin at least 6 months prior to the anticipated date the first building is to be able for occupancy. It says 90 days but it does require 6 months prior. Affirmative marketing plans and populations that are least likely to apply every 5 years for multifamily properties and every 3 years for single family programs from the effective current plan that you're creating. Owners must maintain records of each plan

in a specific outreach effort completed for the greater of 3 years for the record keeping requirement that is identified in the land use restriction agreement.

There is an exception to affirmative marketing. If the development has a closed waitlist. The affirmative marketing is not required. It is required as long as the owner is accepting applications, has an open waitlist, or is marketing prior to a multifamily development placement in service. Is waitlist for single family programs is a requirement and it is there to make sure that the applicants are not selected for service on a first-come, first-served basis.

Your plans for both single and multifamily, you have to indicate which staff are responsible for affirmative marketing. 9352A that is section 7 and 2B it is section 6 of those plans.

As a best practice, make sure that your staff takes trainings on how to affirmatively market and other fair housing issues. We maintain a list of the training providers whose courses and trainings are vetted and certified by myself and my coworkers on the fair housing data management team to make sure they include the required materials. The trainers on the list often typically charge for their services.

Like this training that we're giving today, this is an awesome example of training your staff on affirmative marketing.

However we don't provide certifications for these trainings. We do provide technical assistance and one-on-one trainings by request.

Like I said earlier, there is a guide, an assistance guide, for single

family affirmative marketing in the handouts that's an awesome today and it talks about how to complete the plan and has great advice for multifamily as well.

This is the end of the training but we have questions in the question chat box I believe.

So if you have any questions on anything we talked about so far, please put them in there and we have time to answer them.

>> Nathan: Yup. So we have a couple of questions about this particular spot which is: should veterans be listed on the affirmative marketing plan or do the marketing efforts need to be tracked separately?

So the marketing to veterans does not need to be included in your affirmative marketing plan.

You don't need to list veterans as least likely to apply population or list the contacts that you used for that. So the affirmative marketing plan should only be for protected classes.

Will the wording for the fair housing logo be available on the web site?

It is currently available on our TDHCA web site. It is under our "fair housing" section and it's under "resources and toolkits" I want to say. But that sounds like the place where it is.

But it is available on our web site.

>> Erin: Yes.

>> Nathan: I think, Brian small says: some land use restriction agreements require affirmative marketing to veterans. In concert

with our federal compliance council and after doing a good bit of research, the affirmative marketing is not -- marketing to veterans is marketing above and beyond the normal marketing you would do but it is not considered affirmative marketing for your affirmative marketing plan.

So we don't want to see it in the affirmative marketing plan.

>> Erin: Right.

>> Nathan: Is the equal housing slogan required on marketing materials?

Yes, it is required on your marketing materials.

Okay. There are lot of people who asked about the veteran thing.

>> Erin: I was going to say I believe -- I'm sorry. The box -- I was looking to see if the guide also has that wording. I believe it does, the equal housing slogan. And equal housing opportunity, that phrase, is within that single family affirmative marketing guide that is in the handout section of the platform. So the language is there as well. I apologize if it wasn't on the screen. But, yes, it is a requirement and you can also find that language specifically in that handout that is available to you.

>> Nathan: Okay. So another question has come in: will there be an issue if the land use restriction agreement or the TDHCA required groups so talking about the veterans or farmworkers again. If they are included on the affirmative marketing plan?

And the answer is: yes, possibly. If your community contacts are geared toward veterans or farmworkers, something other than the protected classes that constitute your least likely to apply

populations, they will not count towards the three community contacts that you need to list. So if you have three veterans groups, you probably don't have three community contacts for your least likely to apply populations.

So it could very well be an issue. So you will want to check those.

Along those same lines: when comparing community demographics to market area demographics. So this could be either your property data or your census tract and comparing it to your larger market area, what is the threshold to determine if a particular group is least likely to apply?

TDHCA does not have a specific cutoff point. So, as long as you can explain why you chose the least likely to apply populations that you did and it conforms with the data that you give us, there is no necessary cutoff rule. You know, it's not a 2% or 10% or 20% difference. It is -- you are able to choose where your cutoff is, as long as it's supported by data.

>> Erin: Mm-hmm.

>> Nathan: Is it required to have three contacts per least likely to apply?

No it is not required to have three community contacts per least likely to apply population. It's just three community contacts, total.

Obviously it is probably preferable for you to try to spread it out a little bit. If you want to include more than three, please feel free. There is not going to be any -- there is no penalty for including

more than three.

Another question of: are the three community contacts HUD rule or TDHCA?

They are both.

>> Erin: Yeah, they're both.

>> Nathan: Both HUD and TDHCA require that you have three community contacts listed.

Multifamily marketing efforts are only required once per year. We shouldn't be marketing throughout the year.

Umm, you could certainly affirmatively market throughout the year. We're, again, not going to be upset if you go above and beyond the requirements, but for affirmative marketing multifamily properties are only required to conduct their affirmative marketing at least once per year.

If you have three different programs, do you have -- do you need three different plans?

The answer to that is: maybe yes, possibly. And I guess the follow-up from the same question asker is -- or if we promote in multiple counties, will we need a plan in each county?

If your service area spans, you have to have one that covers all three counties.

But if you have three different programs -- so say you're running home rehabilitation and home buyer assistance and a TBRA program then, yeah, you're going to need an affirmative market marketing plan for each of the programs.

We have a state housing trust fund property. Whoo,oo. That's not common anymore. This owner has never received any funding. Just waiting for the land use restriction to expire in 7 years. Are we still required to complete the affirmative marketing?

Yes!

You are required to do affirmative marketing. As long as you are -- as long as your land use restriction agreement stands, you will need to do affirmative -- that's -- you will have to do affirmative marketing for that time period.

What kind of materials are you looking for to backup marketing efforts?

Copies of letters you send to community contacts. If you include any brochures when you send the letters or drop off any brochures or any literature that you drop off at a community contact, include those as well.

>> Erin: Yeah. Or, like, scripts of radio ads that you might have had on air as well as correspondence that confirm the radio ad was aired would also be awesome materials with that.

>> Nathan: Yes. Although radio ads like standard media outlets do not count towards your three community contacts. Media is just above and beyond.

So, again, good on you if you're doing it. We love that. We love to see it. But it is not a requirement.

>> Erin: For community contact. Right.

>> Nathan: Correct. I believe that that is all the question that we have had so far aside from individuals who had questions that I'm going to have to get back to you on. If I told you I was going to get back to you on a question I will get back to you. It's because I need to do either some research or it is incredibly specific and I need to look up some of the very specific situations.

So, look for an e-mail to come from either Erin or myself that will be answering those questions.

>> Erin: Right.

>> Nathan: So I think that that covers all the questions. I haven't seen any new ones come in. [overlapping speakers] if you want to bring it home, Erin, go ahead!

>> Erin: We can bring it home together. I was just going to say if you do have additional questions, the e-mails for us are on the screen. Give us more questions if you have them. We really, really -- we love them!

We love questions, don't we Nathan?

>> Nathan: We do. You know, I can give presentations all I want but it's kind of, you know, for me it's a little bit boring. I'm just looking at a screen and reading questions is where all the fun stuff happens.

>> Erin: Super fun. Anyway, thank you so much for logging in and hanging out with us and learning about affirmative marketing. We really really do appreciate it. We do have a training come up in two days on Thursday on limited English proficiency and language access plans.

Awesome stuff. Go ahead, Nathan.

>> Nathan: If you loved the data stuff from this one, you're gonna loooove the English proficiency one. So many numbers.

>> Erin: And also we bring up pictures of excel spread sheets so that in and of itself is exciting. Thank you guys, again. We really appreciate it. Hit us up if you have anymore questions. Have a great rest of your day.

>> Nathan: Thank you all.

>> Erin: Bye.

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