

Arundel Community Development Services, Inc.

Bill 72-24

Anne Arundel County Housing Attainability Act

October 15, 2024

**Affirmative Fair Housing Marketing Guidelines for Anne Arundel County's
Moderately Priced Dwelling Unit Program**

Effective July 1, 2025

Anne Arundel County passed the Housing Attainability Act (Bill 72- -24) on October 15, 2024, requiring a certain number of Moderately Priced Dwelling Units (MPDUs) to be included in all new developments - with some exceptions - to ensure that a certain percentage of units are affordable to the County's workforce and moderate-income households. The law becomes effective for all new development applications submitted to the County after July 1, 2025 and the first MPDU units are expected to come online for occupancy sometime in early 2027.

First, it should be noted that local, State and federal fair housing laws apply to the marketing, sale and rent of all units, including market rate units.

Applicable federal, State, and County laws and regulations in the sale or leasing of the Project, include, but may not be limited to (i) the Federal Fair Housing Act, (ii) the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, (iii) Article 49B of the Maryland Annotated Code, (iv) Anne Arundel County fair housing laws, and (v) any other laws that prohibit discrimination on the grounds of age, ancestry, citizenship, color, creed, disability, familial status, gender identity or expression, marital status, national origin, occupation, race, religion, sex, sexual orientation, source of income, or any other class or characteristics protected by applicable law.

Affirmative fair housing marketing for market rate and MPDU units should not be separate marketing programs but rather must be an integral part of the overall project marketing effort. Affirmative fair housing marketing typically consists of a good faith effort to attract to a project those who are identified as "least likely to apply" or are underrepresented in a neighborhood or community.

These Affirmative Fair Housing Marketing Guidelines recognize that both the owner/developer or their representatives (e.g. property management companies or sales office staff) of developments and Arundel Community Development Services, Inc. ("the Administrator") have a vested interest to market MPDU units to ensure timely lease up and sales to qualified renter or buyer households. The Guidelines also recognize that the MPDUs are being made available as a public good and should be affirmatively marketed in a robust way to the County's protected classes as identified in federal, State and local law, County employees and renters/buyers already enrolled in County programs (e.g. ACDS Housing Counseling Program and Continuum of Care initiative).

Affirmative fair housing marketing requires no specific goals or quotas, and adds little to the cost of a project, as most of the costs associated with affirmative fair housing marketing are already reflected in the project's broader marketing budget and/or are available via free resources.

Census and American Community Survey data conclude that the County has a low concentration of minority, female heads of households. This demographic of residents is also more likely to be of lower income and need affordable housing yet may be least likely to apply for residency in the HOME or locally funded rental projects, especially in areas of opportunity where there is low concentration of minorities. Therefore, project owners who build rental housing communities with federal HOME or local funding are required to include minorities in their marketing efforts for both family and senior housing, as well as female head of households for family housing. Projects will be evaluated based on the project/program ability to have the same or higher percentage of minorities as the County as a whole. If a project is in an Area of Opportunity, ACDS may require higher percentage goals.

MPDU Waiting Lists

As the MPDU Administrator, ACDS will maintain an initial eligibility list by geographic preference of County residents and/or County employee households who are interested in renting and/or purchasing a housing unit through the MPDU Program. Interested households will be required to complete an ACDS online MPDU Initial Eligibility Form to be entered into the MPDU Waiting Lists.

As properties and the Administrator begin marketing efforts for available MPDUs, applicants on the MPDU Waiting Lists will be considered in the order of their position on the lists. If deemed qualified to rent or purchase, applicants will be issued a Certificate of Eligibility and may then work with property management/developers to purchase or rent a home.

It should be noted that the prospective renter or purchaser household must meet the lease or purchase requirements (e.g. credit requirements, ability to obtain a first mortgage). Procedures for initial marketing of the MPDU Program and the availability of MPDU Units are further defined below.

Initial Marketing Activities

- A. Prior to establishing the initial MPDU rental or for-sale eligibility lists, the Administrator shall identify organizations, groups, agencies and advertisers that have connections to:
 1. Protected classes that have historically lacked access to a variety of affordable and accessible housing choices.
 2. Employees of County government.

3. Low- and moderate-income households that fall under the income limit thresholds for the MPDU program but who are also likely to have income/housing assistance allow them to afford MPDU housing payments.
4. Health and human services agencies affiliated with the County that seek to place program participants into affordable housing units.

These groups may include, but are not limited to:

- a. AACPS
 - b. Afro-American Newspaper
 - c. Anne Arundel County Food Bank, Crownsville, MD
 - d. Anne Arundel County Office of Community Engagement
 - e. Arundel Community Development Services (Homeownership Counseling list, Moving Home
 - f. Arundel Connecting Together
 - g. Arundel House of Hope, Glen Burnie, MD
 - h. Blessed in Tech
 - i. Caucus of African American Leaders
 - j. Centro de Ayuda/Center of Help, Annapolis, MD
 - k. Community Action Agency, Annapolis, MD
 - l. Community Legal Services of Prince George's County (serves Anne Arundel)
 - m. County and Teacher Employee Unions
 - n. Department of Social Services
 - o. Human Relations Commission
 - p. Laurel Advocacy and Referral Services, Inc., Laurel, MD
 - q. My Life
 - r. NAACP, Annapolis, MD
 - s. OHLA, Annapolis, MD
 - t. Sarah's House, Severn, MD
 - u. The Salvation Army, Annapolis, MD and Glen Burnie, MD
 - v. The Light House, Annapolis, MD
 - w. United Black Clergy, Odenton, MD
 - x. Partnership for Children Youth and Families Communities of Hope
- B. The Administrator shall send information about the MPDU Program, including an announcement of when the online MPDU Program Eligibility Form will be available and will conduct special information sessions (virtual and in person) for the above groups. The Administrator shall establish a reasonable amount of time, approximately ninety (90 days) in advance of the availability of the MPDU Eligibility Form to allow organizations to share the information with their members, clients and stakeholders.
- C. The Administrator shall make program materials available in an accessible form and shall provide assistance for persons with Limited English Proficiency upon request with reasonable notice.

- D. The Administrator shall maintain information on head of household, race, sex, and ethnicity of applicants to monitor the success of affirmative fair housing marketing activities.
- E. Property Staff shall notify ACDS when the project advertising begins and provide ACDS with electronic/digital format versions of advertisements that may be shared with MPDU applicants.

Ongoing Marketing Activities

- A. The Administrator shall advertise, at least once per year, the availability of the MPDU program to the organizations listed above to ensure that there is wide awareness of the Program.
- B. Property Staff responsible for lease up or sale of the MPDU units may refer interested households to the ACDS online MPDU Eligibility Form at any time.
- C. Property Staff must adhere to the following requirements when marketing the availability of the MPDU units:
 - a. As part of its overall marketing efforts, Property Staff must market MPDU units in tandem with market-rate units in compliance with federal, state and local fair housing laws.
 - b. Property Staff shall ensure that the MPDU rental units are included in the mdhousingsearch.org database.
 - c. Advertisements should be inclusive and exclude discriminatory targeting or statements that indicate preferences. The materials should consider language translation and include the Equal Housing Opportunity Logo. The project owner must display the Equal Housing Opportunity logo and fair housing poster in an area accessible to the public (e.g., the rental office).
- D. Nonprofit owners (i.e. local CHDOs) of rental housing and group homes for the special needs population are required to submit their plans for renting their units. Their plan may include tenants from a referral list. ACDS staff will review these plans and determine if, because of the population being served and how clients are referred, any additional affirmative marketing will be required.