

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, 2026

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 became 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 fall 2027 or early 2028.

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, including, but not 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, particularly in areas of opportunity, and who are more likely to need affordable housing. Such households include, by way of example and not limitation, minority households, especially those with female heads of households, and seniors.

These Affirmative Fair Housing Marketing Guidelines (these "AFHM Guidelines") recognize that both the owner/developer of developments or their representatives (e.g. property management companies or sales office staff) (collectively, "Property Staff") and Arundel Community Development Services, Inc. ("ACDS"), as the administrator of the MPDU Program for the County, have a vested interest to market MPDU units to ensure timely lease up and sales to qualified renter or buyer households. These AFHM 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, to County employees and to 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.

MPDU Eligibility and Waiting Lists

As the MPDU administrator, ACDS will maintain a waiting list of County residents and/or County employees 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 application and submit supporting documentation which will be reviewed by ACDS staff for MPDU Program eligibility. In addition, for homeownership units, applicants will be required to attend a mandatory orientation session and obtain a pre-approval letter from a lender. Once an application and all required steps and documentation are approved, the household will be issued a Certificate of Eligibility and will be placed on the MPDU waiting lists.

As properties and ACDS begin marketing efforts for available MPDUs, applicants on the MPDU waiting lists will be considered in the order of their position on the waiting lists.

It should be noted that all prospective renters or purchaser households must still meet the lease or purchase requirements of the developer or landlord (e.g. credit requirements, ability to obtain a mortgage, tenant screening etc.). 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 eligibility waiting lists, ACDS will 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 below the income limit thresholds for the MPDU Program but who are also likely to have income/housing assistance that 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. ACDS Homeownership Counseling
- b. ACDS Community Stakeholder List
- c. Anne Arundel County Government Employees

- d. Anne Arundel County Department of Aging
 - e. Anne Arundel County Department of Social Services
 - f. Anne Arundel County Human Relations Commission
 - g. Anne Arundel County Office of Community Engagement
 - h. Anne Arundel County Public Schools
 - i. Arundel Connecting Together
 - j. Caucus of African American Leaders
 - k. Centro de Ayuda/Center of Help
 - l. Communities of Hope
 - m. My Life
 - n. NAACP
 - o. OHLA
 - p. Partnership for Children Youth and Families
 - q. Sarah's House
 - r. United Black Clergy
- B. ACDS will send information about the MPDU Program, including an announcement of when the online MPDU Program Initial Eligibility Form will be available, and will conduct one or more special information sessions (virtual and in person) for the above groups. ACDS will establish a reasonable amount of time, approximately sixty (60) days in advance of the availability of the MPDU Initial Eligibility Form, to allow organizations to share the information with their members, clients and stakeholders.
- C. ACDS will make program materials available in an accessible form and shall provide assistance for persons with Limited English Proficiency upon request with reasonable notice.
- D. ACDS will 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 must notify ACDS when the MPDU project advertising begins and provide ACDS with electronic/digital format versions of advertisements that may be shared with MPDU applicants.

Ongoing Marketing Activities

- A. ACDS will advertise, at least once per year, the availability of the MPDU Program to the organizations listed above, and/or other similar organizations to ensure that there is wide awareness of the MPDU Program.
- B. Property Staff responsible for leasing or sale of the MPDU units may refer interested households to the ACDS online MPDU Initial 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 rental MPDU 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 must include the Equal Housing Opportunity logo. Property Staff must display the Equal Housing Opportunity logo and fair housing poster in an area accessible to the public (e.g., rental or sales offices).

The effective date of these Affirmative Fair Housing Marketing Guidelines shall be July 1, 2026.



Erin Karpewicz, Chief Executive Officer

8/24/2026

Date