AFFIRMATIVE FAIR HOUSING MARKETING PLAN AND PROCEDURES

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COUNTY OF MERCER HOME CONSORTIUM

AFFIRMATIVE FAIR HOUSING MARKETING PLAN AND PROCEDURES

I. STATEMENT

This Affirmative Fair Housing Marketing Plan and Procedures ("Marketing Plan") is developed for use with the HOME Investment Partnership ("HOME") Program and HOME-funded projects in accordance with the HOME Program regulations, including but not limited to 24 CFR 92.351, of the U.S. Department of Housing and Urban Development ("HUD") regulations. The HOME Program has established procedures to affirmatively market all projects resulting in five (5) or more HOME-assisted housing units. The Plan is a commitment of the County’s HOME Consortium ("the Consortium), Consortium staff, and the HOME-funded participant ("Grantee") to affirmatively further Fair Housing. The Grantee shares responsibility with the Consortium in informing the public about the Federal Fair Housing laws, soliciting eligible persons without regard to race, color, national origin, sex, sexual orientation, source of income, religion, familial status, or disability into the affordable housing market and evaluating the effectiveness of these marketing efforts.

Affirmative marketing differs from general marketing activities because it specifically targets potential tenants and home buyers who are least likely to apply for and/or purchase housing. Efforts are made to make these persons aware of the available affordable housing. This Marketing Plan is a guide to assist the County’s HOME Consortium and its grantees by summarizing the affirmative marketing procedures required by HUD.

This Plan is documented and maintained in the Housing and Community Development Office of Mercer County files, and shall be included by reference in all HOME project proposals, made an integral part of all HOME and CHDO funding agreements and HOME case files. The Grantee is held to the terms of the Marketing Plan by the requirements in the applicable HOME or Community Housing Development Organization ("CHDO") agreement.

II. PURPOSE

In accordance with the regulations of the HOME Program and in furtherance of the Consortium’s commitment to non-discrimination and equal housing opportunity, the Consortium establishes procedures to affirmatively market the distribution of its annual HOME allocation and housing units acquired, constructed or rehabilitated under the HOME Program.

It is the Affirmative Marketing Policy of the Consortium to assure that organizations, non-profit and for-profit, and local units of government which might not normally apply for use of the Consortium’s HOME funds because they are unaware of the availability of said funds:
It is the Affirmative Marketing Policy of the Consortium to assure that individuals who normally might not apply for available housing units because they are socially and/or economically disadvantaged:

- be informed of available housing units
- be encouraged to apply for available housing units
- have an equal opportunity to rent/own their own housing units

III. METHODS TO DISSEMINATE AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS:

The Consortium will use the following methods to inform the public, potential tenants, potential homeowners, potential and existing for-profit developers, and potential and existing non-profit developers, and local units of government about Federal Fair Housing laws and Affirmative Fair Housing Marketing Plan and Procedures.

A. The County HOME Consortium staff shall be responsible for implementing the Marketing Plan and evaluating its effectiveness as required by the HOME Program.

B. The Consortium shall inform the community about its Affirmative Marketing Policy through periodic updates at public forums, Fair Housing meetings as well as training workshops with its HOME and CHDO grantees or other similar forums.

C. At the time of HOME funding for rental housing development, the Consortium will provide the Grantee with copies of \textit{Housing Discrimination & Your Civil Rights: A Fair Housing Guide for Renters & Home Buyers} brochure and the County's \textit{Fair Housing Program} brochure. The Grantee shall provide initial tenants and rental property owners with copies of these brochures.

D. The Consortium will continue to provide general information and telephone reference numbers to persons contacting the County Housing & Community Development Office with questions regarding Affirmative Marketing and Federal Fair Housing laws.

IV. CONSORTIUM AFFIRMATIVE MARKETING REQUIREMENTS

The Consortium will, at least annually, adhere to the following, or similar, Marketing Plan policies regarding announcement of availability of HOME funds:

A. Post a notice of HOME funding availability on the County’s website.

B. Purchase an advertisement for a public notice in a newspaper of general circulation.
C. Establish and maintain a database of potentially qualified for-profit and non-profit developers and direct mail invitations to apply for funding.

D. Direct mail an invitation to apply for funding to all local units of government participating in the County HOME Consortium.

E. E-mail notices of available funding to the County Housing distribution list.

V. CONSORTIUM REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

In order to verify that the Consortium is following Marketing Plan requirements the following record keeping procedures will be required:

A. The Consortium will maintain records of how HOME funding availability was advertised (copies of advertisements, e-mails, etc.).

B. Copies will be maintained of all training materials and meeting agendas where the Consortium’s Affirmative Marketing Policy was discussed.

VI. GRANTEE AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS

Each Grantee using Consortium HOME funds must adhere to the following Marketing Plan policies when HOME-assisted housing units become available for rent or purchase:

A. Incorporate an Equal Housing Opportunity statement or logo in any correspondence associated with rental or home ownership opportunities developed with the use of Consortium HOME funds.

B. All marketing of HOME-assisted housing will be jurisdiction-wide and all advertising will be placed in sources of wide circulation. All ads must contain an Equal Housing Opportunity statement or logo.

C. Media sources should include advertisement to a particular audience (e.g., newspapers or radio stations that serve protected classes).

D. All advertisements, brochures, and other written materials should be published in at least English and Spanish, in order to reach non-English speaking audiences and displayed.

E. Contact should be made with organizations whose membership or clientele consists primarily of protected class members.

F. Notify the Public Housing Authority or Authorities in the county in which units are located when HOME-assisted units are available for rent or purchase.

G. The project owner must display the Equal Opportunity logo and Fair Housing poster in an area accessible to the public (e.g., rental office).

VII. GRANTEE REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

In order to verify that Consortium Grantees are following Marketing Plan, the Consortium requires the following record keeping procedures will be required:
A. Grantee maintains records of how vacancies were advertised (copies of advertisements, etc.).

B. Copies of all brochures, leaflets, and letters to community contacts shall be maintained in an easily accessible file.

C. Grantee shall have a written policy that outlines how all applications will be reviewed and processed. Grantee records should show how all completed and filed applications were processed including whether an applicant was accepted or unaccepted and why an applicant was not accepted.

D. Maintenance of information on the race, sex, ethnicity, and whether the applicant is disabled for all applicants, home buyers, and tenants. The Consortium will have the Grantee submit this information on at least an annual basis to coincide with the Consortium’s submission of its Consolidated Annual Performance and Evaluation Report (“CAPER”).

E. To facilitate collection and reporting of the required data, the Grantee shall fill out and maintain form HUD-935.2 Affirmative Fair Housing Marketing Plan (see Attachment A).

This information will be gathered when an application is taken for either a tenant or a home buyer and information will be maintained during the entire affordability period.

VIII. CONSORTIUM ASSESSMENT OF ITS AFFIRMATIVE MARKETING POLICY

The following actions will be taken by the Consortium to evaluate the success of its Affirmative Fair Housing Marketing Policy and that of its Grantees:

A. The Consortium will assess the results of its Affirmative Fair Housing Marketing Plan annually with a summary of “good faith efforts” taken by the Consortium as well as its Grantees in the CAPER.

B. The Consortium will compare the information compiled in the manner described under Section V and Section VII above and evaluate the degree to which statutory and policy objectives were met. If the required steps were taken, the Consortium will determine that good faith efforts have, in fact, been made.

C. To determine results, the Consortium may examine whether specific groups in the Consortium’s service area applied for or became tenants or owners of HOME- or CHDO-funded units that were affirmatively marketed. If the Consortium finds that specific groups are represented, particularly Hispanics, African Americans, Asians, American Indians, persons with disabilities, and women, the Consortium will assume that the Marketing Plan procedures were effective. If one or more groups are not represented within the context of existing neighborhood composition, the Consortium will review its procedures to determine what changes, if any, might be made to make the affirmative marketing efforts more effective.

D. The Consortium will take corrective action if it is determined that a Grantee has failed to carry out Affirmative Marketing efforts as required. If a Grantee continues to neglect responsibilities made incumbent by the terms of the HOME or CHDO Agreement, the Consortium will consider taking one or both of the following actions:
1. Declare the Grantee disqualified from any further assistance made available under the HOME Program.

2. Notify the Grantee of the HOME Program funds that were in violation of the terms of the HOME or CHDO Agreement and the Consortium may exercise its right to require immediate repayment of the HOME funding.

E. The Consortium will not proceed with corrective action without allowing time and effort by staff to counsel the Grantee in accordance with the terms of the HOME or CHDO Agreement.
APPENDIX A
HUD FORM 935.2 AND INSTRUCTIONS
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
## Affirmative Fair Housing Marketing Plan

1. **Applicant's Information**
   - Applicant's Name, Address (including city, state & zip code) & Phone Number
   - Project/Application Number

2. **Type of Affirmative Marketing Plan**
   - Check all that apply:
     - MFH Plan
     - SFH Plan
     - White (non-minority) Area
     - Mixed Area (with % minority residents)

3. **Direction of Marketing Activity**
   - Indicate which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts:
     - White
     - American Indian or Alaskan Native
     - Asian
     - Black or African American
     - Native Hawaiian or Other Pacific Islander
     - Hispanic or Latino
     - Persons with Disabilities
     - Families with Children

4. **Marketing Program: Commercial Media**
   - Check the type of media to be used to advertise the availability of this housing:
     - Newspapers/Publications
     - Radio
     - TV
     - Billboards
     - Other (specify)

5. **Marketing Program: Brochures, Signs, and HUD's Fair Housing Poster**
   - Will brochures, letters, or handouts be used to advertise? Yes No
   - For project site sign, indicate sign size, Logo type size, Attach a photograph of project sign or submit when available.

6. **Approximate Starting Dates (mm/dd/yyyy)**
   - Advertising
   - Occupancy

7. **Project's Information**
   - Project's Name, Location (including city, State and zip code)

8. **Housing Market Area**
   - Housing Market Area

9. **Census Tract**
   - Census Tract

10. **Managing/Sales Agent's Information**
    - Managing/Sales Agent's Name & Address (including City, State and Zip Code)

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Previous editions are obsolete

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Ref. Handbook 8025.1

Form HUD-935.2 (8/2004)
4c. **Community Contacts.** To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups/organizations listed below that are located in the housing market area. If more space is needed, attach an additional sheet. Notify HUD-Housing of any changes in this list. Attach a copy of correspondence to be mailed to these groups/organizations. (Provide all requested information.)

<table>
<thead>
<tr>
<th>Name of Group/Organization</th>
<th>Group Identification</th>
<th>Approximate Date (mm/dd/yyyy)</th>
<th>Person Contacted or to be Contacted</th>
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Address & Phone Number     Method of Contact
Indicate the specific function the Group/Organization will undertake in implementing the marketing program

5. **Future Marketing Activities** (Rental Units Only) Mark the box(s) that best describe marketing activities to fill vacancies as they occur after the project has been initially occupied.

- Newspapers/Publications
- Brochures/Leaflets/Handouts
- Site Signs
- Community Contacts
- Other (specify)

6. **Experience and Staff Instructions** (See instructions)

6a. Staff has experience.  Yes  No

6b. On separate sheets, indicate training to be provided to staff on Federal, State and local Fair Housing laws and of the instructions to staff regarding Fair Other (specify)

7. **Additional Considerations** Attach additional sheets as needed.

8. **Review and Update** By signing this form, the applicant agrees to review their AFHM Plan every 5 years and update as needed to ensure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations (24 CFR 200.620).

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

Name (type or print)

Title & Name of Company

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For HUD-Office of Housing Use Only

Reviewing Official:

Signature & Date (mm/dd/yyyy)

Name (type or print)

Title

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For HUD-Office of Fair Housing and Equal Opportunity Use Only

Approved  Disapproval (Check One)

Signature & Date (mm/dd/yyyy)

Name (type or print)

Title
The Affirmative Fair Housing Marketing (AFHM) Plan is needed to ensure that insured and subsidized developers are taking necessary steps to eliminate discriminatory practices involving Federally insured and subsidized housing. No application for any housing project or subdivision insured or subsidized under the Department of Housing and Urban Development’s (HUD) housing programs can be funded without an approved AFHM Plan (See the “Applicability” section in the instructions below.) The responses are required to obtain or retain a benefit under the Fair Housing Act, Section 808(e)(5) & (6) and 24 CFR Part 200, Subpart M. The form contains no questions of a confidential nature.

Applicability: This form is to be completed by all insured or subsidized: (1) multifamily projects; and (2) single-family homebuilders that can not meet at least one of the following requirements: (a) is a signatory in good standing to a Voluntary Affirmative Marketing Agreement (VAMA); (b) has a HUD approved AFHM Plan; (c) has contracted with someone to market their houses who has an AFHM Plan or is a signatory to a VAMA; or (d) can self certify compliance with HUD’s AFHM Regulations, maintain records of their AFHM activities and make the records available to HUD upon request. Single-family homebuilders that can meet at least one of the above requirements can complete block 11 on form HUD-92541-BUILDER’S CERTIFICATION OF PLANS, SPECIFICATIONS, & SITE instead of completing the AFHM Plan [See HUD Mortgagee Letters 1995-18 dated April 28, 1995 and 2001-09 dated April 2, 2001]

Each applicant is required to carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups in the housing market area regardless of their race, color, religion, sex, national origin, disability, or familial status. Racial groups include White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander. Other groups in the housing market area who may be subject to housing discrimination include, but are not limited to, Hispanic or Latino, persons with disabilities, or families with children. The applicant shall describe in the AFHM Plan the proposed activities to be carried out during advance marketing, where applicable, and the initial sales and rent-up period. The affirmative marketing program also should ensure that any group(s) of persons ordinarily not likely to apply for this housing with special outreach (See Part 3), know about the housing, feel welcome to apply and have the opportunity to buy or rent.

INSTRUCTIONS

Send completed form to: your local HUD Office Attention: Director, Office of Housing

Part 1 - Applicant and Project Identification. Blocks 1a thru 1f-Self-Explanatory. Block 1g-the applicant should specify the approximate date for starting marketing activities to the groups targeted for special outreach and the anticipated date of initial occupancy (if unoccupied). Block 1h-the applicant should indicate the housing market area, in which the housing will be (is) located. Block 1i-the applicant may obtain census tract location information from local planning agencies, public libraries and other sources of census data. Block 1j-the applicant should complete only if a Managing/Sales Agent (the agent can not be the applicant) is implementing the AFHM Plan.

Part 2 - Type of Affirmative Marketing Plan: Applicants for multifamily housing projects should check both the MFH (Multifamily Housing) Plan and indicate the status of the AFHM Plan, e.g. new or update. As appropriate, single-family homebuilders who submit an AFHM Plan, should check the SFH (Single-family Housing) Plan box.

All Plans should indicate the racial composition of the housing market area in which the house will be (is) located by checking one of the three choices. Single-family scattered site builder should submit an SFH Plan that reflects the racial composition of each the housing market area in which the housing will be (is) located. For example, if a builder plans to construct units in both minority and non-minority housing market areas, a separate AFHM Plan shall be submitted for each housing market area.

Part 3 - Direction of Marketing Activity. Indicate which group(s) the applicant believes are least likely to apply for this housing without special outreach. Consider factors such as price or rental housing, sponsorship of housing, racial/ethnic characteristics of housing market area in which housing will be (is) located, disability or familial status of eligible population, public transportation routes, etc.
Part 4-Marketing Program. The applicant shall describe the marketing program to be used to attract all segments of the eligible population, especially those groups designated in Part 3 of this AFHM Plan as least likely to apply. The applicant shall state: the type of media to be used, the names of newspaper/call letters of radio or TV stations; the identity of the circulation or audience of the media identified in the AFHM Plan (e.g., White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, Hispanic or Latino, persons with disabilities, and families with children) and the size or duration of the newspaper advertising or length and frequency of broadcast advertising. Community contacts include individuals or organizations that are well known in the housing market area or the locality, that can influence persons within groups considered least likely to apply. Such contacts may include, but need not be limited to: neighborhood, minority and women’s organizations, grass root faith-based or other community based organizations, labor unions, employers, public and private agencies, disability advocates, schools and individuals who are connected with these organizations and/or are well-known in the community. Applicants should notify their local HUD-Office of Housing of any changes in the list in Part 4c of this AFHM Plan.

Part 5-Future Marketing Activities. Self Explanatory.

Part 6-Experience and Staff Instructions.
6a. The applicant should indicate whether the sales/rental staff have had previous experience in marketing housing to group(s) identified as least likely to apply for the housing.

6b. Describe the instructions and training provided or to be provided to sales/rental staff. This guidance to staff must include information regarding Federal, Sate and local Fair Housing laws and this AFHM Plan.

Copies of any written materials should be submitted with the AFHM Plan, if such materials are available.

Part 7-Additional Considerations. In this section describe other groups to which housing may be marketed and efforts not previously mentioned which are planned to attract persons least likely to apply for the housing. Such efforts may include outreach activities to grass root faith-based or other community based organizations, and other ethnic groups with limited English proficiency (LEP).

Part 8-Review and Update. By signing, the applicant assumes full responsibility for the AFHM Plans implementation and required reviews and updates. HUD may monitor the implementation of this AFHM Plan at any time and request modification in its format or content, where deemed necessary.

Notice of Intent to Begin Marketing. No later than 90 days prior to the initiation of sales or rental marketing activities, the applicant of an approved AFHM Plan shall submit notice of intent to begin marketing. The notification is required by the Affirmative Fair Housing Marketing Plan Compliance Regulations (24 CFR Part 108.15). It is submitted either orally or in writing to the Office of Housing in the appropriate HUD Office servicing the locality in which the proposed housing will be located.

OMB approval of the Affirmative Fair Housing Plan includes approval of this notification procedure as part of the AFHM Plan. The burden hours for such notification are included in the total designated for the AFHM Plan form.