

**FORM AA5 Instructions**  
**DECD Affirmative Fair Housing Marketing Plan**

**Part 1 - Introduction**

DECD and CHFA are legislatively mandated under Section 8-37ee of the Connecticut General Statutes and the Connecticut Fair Housing Act, 46a-64b et seq. to promote fair housing choice and racial and economic integration in all housing funded in whole or in part by the state of Connecticut. Further, owners of state assisted housing are responsible for including in their Affirmative Fair Housing Marketing Plan provisions for the recruitment of an applicant pool that includes residents of municipalities of relatively high populations of those that would be least likely to apply. These groups include White (Non-Hispanic) and members of minority groups: Blacks (Non-Hispanic), American Indians/Alaskan Natives, Hispanics and Asian/Pacific Islanders in the Metropolitan Statistical Area (MSA) or housing market area who may be subject to housing discrimination. At least 20 percent of the units must be targeted to the group(s) identified as "least likely to apply." Groups "least likely to apply" include people with disabilities and families with children.

**In addition, even though housing providers and developers are not required to market to all protected classes, all participants must not discriminate based on race, color, religion, sex, national origin, ancestry, sexual orientation, creed, marital status, learning disability, mental or physical disability, including but not limited to blindness, age, family status, marital status, sexual orientation, age, or lawful source of income.**

The applicant shall describe on this form the activities it proposes to carry out during marketing, and, where applicable, the initial sales or rent-up period. The marketing program should also assure that any group(s) of person normally NOT likely to apply for the housing without special outreach efforts (because of existing neighborhood racial or ethnic patterns, location of housing in the Primary Metropolitan Statistical Area, price or other factors), know about the housing, feel welcome to apply and have the opportunity to buy or rent. In addition to the specific advertising activities, please describe activities relating to instructions and or training that is provided to staff on fair housing.

Marketing activities are required throughout the life of the mortgage, assistance agreement or regulatory agreement - whichever is longer. The AFHMP must be available for public inspection.

In filling out this form, in addition to these instructions, recipients should use the following for guidance:

1. Conn. Agencies Regs. §§8-37ee-1 – 17 and 300 –314;

2. HUD's Multifamily Asset Management and Project Servicing Handbook--4350.3 Rev. 1, Change 2 for additional assistance with tenant selection policies.

## **Part 2 - Application and Project Identification**

**2A and B**—Self-explanatory.

**2C**—The applicant/recipient must identify the project by name, address, county and census tract. Census tract location information can be obtained from local planning agencies, public libraries, or [www.census.gov](http://www.census.gov).

**2D**—Applicants/recipients must state the date of initial occupancy. If this is an initial AFHMP, specify the approximate date of initial occupancy. Under "Approximate Starting Dates," state the date advertising is scheduled to begin to groups targeted for special outreach followed by the approximate date on which applicants will be notified of their acceptance or placement on the waiting list. If this is an annual AFHMP or updated AFHMP, fill in the date the project was first occupied under "Initial Occupancy." Advertising must begin at least 90 days prior to occupancy.

**2E**—This box is to be completed only if the applicant/recipient is not going to be implementing the AFHMP or the applicant/recipient will not be managing the property.

**2F**—Part F asks the applicant/recipient to identify the housing market area or the expanded housing market area. A ***housing market area*** is the area (not necessarily the census tract, but the entire geographic area) from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants. If a housing market area is not demographically diverse in terms of race, color, national origin, religion, sex, disability, or familial status, an ***expanded housing market area*** may be used. An expanded housing market area is a larger geographic area that may provide additional diversity. Respondents should indicate the housing or expanded housing market area in which the housing is/will be located, e.g., "City of \_\_\_\_\_" for housing market area, or "City of \_\_\_\_\_" and "County of \_\_\_\_\_" for expanded housing market area.

## **Part 3 – Determining Type of Affirmative Marketing Plan**

Applicants for multifamily and subdivision projects that are 5 or more units, must submit a project plan which describes the marketing program for the particular project or subdivision. Scattered site builders are to submit individual annual plans based on the racial composition of each census tract where the housing will be built. For example, if a builder plans to construct units in minority and non-minority census tracts, separate plans shall be submitted.

## **Part 4 - Direction of Marketing Activity**

To determine the direction of the marketing activity, begin by completing Worksheet 1.

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

**Block 4a**– Using Worksheet 1, the respondent should indicate the demographic composition of the project, waiting list, census tract, and housing market area. The respondent compares the demographics of its existing project, waiting list (or any maintained list of interested housing applicants), with the demographics of the census tract and the larger housing market area to determine if there needs to be affirmative marketing to those least likely to apply. If the housing market area is not demographically diverse in terms of race, color, national origin, religion, sex, disability, or familial status, an expanded housing market area should be designated to enhance the diversity of individuals applying for housing opportunities. The applicable housing market area or expanded marketing area should be shown in Block 1e.

Wherever possible, demographic statistics should be obtained from a local planning office, Community Development Block Grant Consolidated Plan, or another official source such as the U.S. Census Bureau ([www.census.gov](http://www.census.gov)).

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

**Block 4b**– Using the information from the completed Worksheet 1, respondents should identify the demographic group(s) least likely to apply for the housing without special outreach efforts by checking all that apply.

If this is a project built or created for the elderly or the project is built for the elderly and disabled, the complex does not have to market to families with children so long as the complex complies with one of the following:

1. The complex is solely occupied by persons sixty-two years of age or older; or

2. The complex has 80% of its units occupied by persons fifty-five years of age or older.

## **Part 5 - 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 4 of the Plan as "least likely to apply." Marketing must include the dissemination of information to the largest city located in the nearest Primary Metropolitan Statistical Area, Regional Planning Area and any other area likely to contain high percentages of members of the group identified as least likely to apply and where public transportation or public highways/job availability make it likely that members of these groups will wish to move.

**5A**—The applicant shall state: the type of media to be used: the name of newspapers; call letters of radio or TV stations; the identity of the circulation or audience of the media identified in the AFHMP, e.g., White (Non-Hispanic), Black (Non-Hispanic), Hispanic, Asian-American/Pacific Islander, American Indian/Alaskan Native, persons with disabilities, and families with children; and the size or duration of newspaper advertising or length and frequency of broadcast advertising. Advertisements in newspapers must be displayed or appear where they are most likely to be read or seen - not only in the classified section. In addition, all advertisements must be placed on [www.cthousingsearch.org](http://www.cthousingsearch.org).

**5B**—All brochures, signs, and advertisements must include the U.S. Department of Housing and Urban Development approved Fair Housing logo or slogan or statement and all advertising depicting persons shall depict persons of majority and minority groups. Fair housing posters which include both state and federally protected classes must be placed at the project site and rental offices.

**5C**—Community contacts should include individuals or organizations that are well known in the project area or the locality and that can inform people within groups considered "least likely to apply." Such contacts may include, but need not be limited to: neighborhood, minority and women's agencies, and individuals who are connected with these organizations and/or are well known in the community.

The applicant shall send a notification to all housing market area community resource contacts at the start of construction. This notification shall include: (i) basic information concerning the Project (e.g., number of units, approximate date of occupancy, income levels to be served), (ii) information that they are being contacted because they may be interested in participating in the applicant affirmative marketing efforts, and (iii) advice that they will be contacted later concerning their desire to participate in this effort. The notice shall also provide the name of a person to contact for further information.

The applicant shall send a second notification to its community resource contacts at approximately 50 percent of completion of construction. This notification shall contain: (i) an update on the notification provided in the first notification, (ii) a proposed report on the Project, and (iii) a narrative concerning the Project (e.g., rent levels amenities, availability of transportation).

Six weeks before the estimated beginning of rent-up or sales, the applicant shall send a third notification to all community resource that have been identified as possibly helpful in the affirmative marketing efforts (not necessarily limited to those contacts that have played an active role). This notification shall include: (i) a copy of any sales or rent-up brochure for the Project, (ii) the precise dates for sales or rent-up, (iii) a brief description of how an applicant may apply for the housing and (iv) the name of a person to contact for further information. A description of the selection criteria and selection process must also be included in this letter.

The applicant must solicit eligible buyers or tenants who may be referred to them by groups or organizations in the community.

Applicants must submit a Notification of Intent to begin marketing to the department, no later than 90 days prior to engaging in sales or rental of marketing activities.

Where relevant, information may be provided in both English and Spanish.

The AFHMP shall provide for follow up from outreach agencies to determine the effectiveness of referrals (via letter).

### **Part 6 - Anticipated Occupancy/Results**

Anticipated occupancy results are a measure of the effectiveness of the implementation of the AFHMP. If the applicant elects to use indicators of effectiveness that differ from those described in this plan, such indicators shall be described at the bottom of the second page. Such indicators should be used to assess the effectiveness of specific aspects of the affirmative marketing program to attract to the housing persons targeted for special outreach, e.g., media advertising, use of minority-owned media, community contacts, etc.

The description should include a brief statement of the method to be used (e.g., survey of applicant, tenant questionnaire or the like).

### **Part 7 – Evaluation of Marketing Activities**

Respondents should explain the evaluation process to be used to determine if they have been successful in attracting those groups identified as least likely to apply.

Respondents should also explain how they will make decisions about future marketing activities based on the Evaluations.

### **Part 8 - Experience and Staff Instructions**

8A(1)—If the staff has not been trained on the AFHMP, please explain why there has been no training and indicate when and what future trainings are planned.

8A(2 - 5)--Guidance to staff must include information regarding Section 8-37ee-1 –17 and Section 8-37ee-300-314, federal, state, and local fair housing laws and this AFHMP. Copies of any written materials should be submitted with the plan, if such materials are available.

The applicant must develop and maintain a nondiscriminatory Affirmative Action Policy Statement, which must be posted and disseminated to staff engaged in the sale or rental of properties.

### **Part 9 - Additional Considerations**

In this section, the housing operator, if a different entity than the applicant, must provide a Fair Housing Policy Statement, Affirmative Action Policy Statement, ADA Grievance Procedure, and ADA Notice and the Tenant Selection Plan which must be posted at the housing project at all times where members of the public can view them. They must also be disseminated to staff engaged in the sale or rental of properties and posted wherever applications available to the public. A list of fair housing trainings attended by staff must also be submitted with this Plan.

#### **Tenant Selection Methodology:**

For guidance on how to develop a tenant selection methodology, applicants/recipients should begin by consulting Conn. Agencies Regs. §8-37ee-304 and HUD's Occupancy Requirements of Subsidized Multifamily Housing Programs Handbook--4350.3 Rev. 1, Change 2.

Pursuant to §8-37ee-304(b) and (c) applicants may use a point system or random selection. If applicants/recipients are using a point system, they must use the one set out in §8-37ee-304(b) unless the applicant/recipient applies for and receives approval from the department that the proposed system does not violate the intent of the AFHMP and the fair housing laws.

### **Part 10 – Signatures**

The housing provider's authorized agent signs the AFHMP at the bottom and dates it. Both the applicant for the funds and the housing provider assume full responsibility for

its implementation. DECD may at any time monitor the implementation of the AFHMP and request modifications in its format or content, where the department deems necessary.

## **Other Requirements**

### **Application Process:**

The application period for all prospective applicants shall extend for at least 90 days prior to initial occupancy. An application deadline must be established.

Anyone seeking to apply must be able to do so, and assistance must be provided to anyone who requests help with completing the form.

Applications must be stamped, and each person must be given a receipt with the date and time the application was received.

Tenant selection shall occur at least 30 days before occupancy.

### **Records:**

Initial AFHMP records, including the implementation of the Plan, must be maintained for at least three years. Thereafter this Plan must remain in full force and effect throughout the remainder of the affordability period of the housing for which it was designed. Revisions to the Plan may be made with DECD approval.

### **Reporting Requirements:**

For the initial marketing, three reports regarding racial and economic integration shall be submitted to the DECD prior to final occupancy. One after the period for submission of applications, one after pre-screening, and one after final selection. DECD will determine whether or not the recipient has made a good faith effort in trying to reach members of groups identified as "least likely to apply". In such cases where these efforts are determined to be insufficient, additional outreach efforts will be required. Such additional outreach efforts may delay the occupancy of units.

Once the project is in occupancy, recipients are required to collect racial and economic data from both tenants and persons on the waiting list. This information must be reported to DECD annually, before October thirty-first for the year ending the preceding September thirtieth. The data shall include information for households entering the development and in occupancy during the previous September thirtieth and shall contain the current percentages of those "least likely to apply" that are residing in the project and are on the waiting list. Additionally, you must submit an evaluation of whether your marketing activities for that year, if any, were effective in attracting least

likely to apply applicants. If found ineffective, then you must state how you will make changes in your strategies for future marketing efforts.