

# **EXHIBIT 3**

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## WESTCHESTER COUNTY AFFIRMATIVE FAIR HOUSING MARKETING PLAN

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### I. Overview

Westchester County (the “County”) requires the marketing of affordable housing units that affirmatively further fair housing (the “AFFH units”). This marketing will be conducted under a two-pronged approach to promote its fair housing efforts so as to reach all potentially eligible households, especially those least likely to apply (“LLA”). The County will conduct its own marketing, under the Westchester County Affirmative Fair Housing Marketing Plan (the “Westchester County AFHMP”), and also will require that developers of housing developments work with the County-selected Marketing Consultant to prepare and implement a Housing Development Affirmative Fair Housing Marketing Plan (the “Plan”) for all developments.

### II. Marketing Consultant

- A. In consultation with local government leaders, the U.S. Department of Housing and Urban Development (“HUD”), and the local development community, the County will conduct an RFP or RFQ process to select an experienced housing counseling agency to serve as Marketing Consultant to assist in marketing the AFFH units. It would be appropriate to consider, in choosing a Marketing Consultant, whether the candidate has a record of successful outreach and placement of applicants who might be considered least likely to apply.
- B. The qualitative criteria to be used in evaluating applicants for the Marketing Consultant position should include previous experience with HUD, housing counseling, and affirmative marketing.
- C. Developers will contribute a fee, commensurate with the size of their developments, toward the cost of the Marketing Consultant.
- D. The County will contribute toward the cost of the Marketing Consultant by using funds in its Outreach and Education budget. The County should explore using additional amounts under the Settlement to support the efforts of the Marketing Consultant.

### **III. Fair Housing Marketing**

The County will:

- A. Advertise the rights of all persons to fair housing and avenues to redress allegations of housing discrimination, including informing the public that complaints may be filed with the Westchester County Human Rights Commission (“HRC”) and HUD.
- B. Create and fund campaigns to broaden support for fair housing and promote the fair and equitable distribution of affordable housing in all communities including public outreach specifically addressing the benefits of mixed-income housing and racially and ethnically integrated communities. Such campaigns will include development of materials such as press releases, public services announcements (“PSAs”), brochures and other literature to be made available for wide distribution as appropriate. The press releases will be issued to all outlets included below in Section III.C. Other campaign items will be made available as part of the County Activities in Section V, including subsections D, I, J and M.
- C. Educate realtors, condominium and cooperative boards, landlords and municipalities with respect to fair and affordable housing activities. The County will reach out to these entities through their respective associations such as:
  1. Hudson Gateway Association of Realtors (the successor organization to the Westchester Putnam Association of Realtors, the Rockland County Board of Realtors and the Orange County Association of Realtors) which is one of the largest Realtor Associations in the nation
  2. Real Estate Board of New York
  3. Greater Fairfield Board of Realtors
  4. Westchester County Association and Business Council of Westchester
  5. Building & Realty Institute which services primarily Westchester/Mid-Hudson Valley (1,500 members); also serves as staff to the following organizations which also serve primarily Westchester/Mid-Hudson Valley:
    - a. The Apartment Owners Advisory Council
    - b. Cooperative and Condominium Advisory Council
    - c. Advisory Council of Managing Agents
  6. Council of New York Cooperatives & Condominiums
  7. Federation of New York Housing Cooperatives & Condominiums

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8. Rent Stabilization Association of New York City
  9. Landlords of Rockland County
  10. 1199 SEIU NYC
  11. Westchester Municipal Officials Association
  12. Fairfield County
  13. Putnam County
  14. Rockland County
  15. City of New York

#### **IV. Affirmative Fair Housing Marketing**

The County has developed this Westchester County AFHMP to promote and publicize AFFH units and ensure outreach to racially and ethnically diverse households in Westchester County and all contiguous counties, which include: Putnam County and Rockland County in New York, Fairfield County in Connecticut, and the five counties which comprise New York City, which includes areas that have large non-white populations (the “Marketing and Outreach Area”). Such outreach will be in conformance with HUD Handbook 8025.1 REV-2, which states in Section 2-2:

*“PURPOSE OF THE AFHM PLAN. The Affirmative Fair Housing Marketing Plan is a marketing strategy designed to attract buyers and renters of all majority and minority groups, regardless of sex, handicap and familial status to assisted and insured rental projects and sales dwellings which are being marketed by an applicant.”*

The County’s efforts will include marketing of AFFH units through County activities described below:

- A. Centralize the intake of potential homebuyers and renters for AFFH units through the use of a internet-based interest form, the Westchester County Homeseeker (the “Centralized Intake System” or the “List”), which collects contact information, racial and ethnic characteristics of the head of household, and household size and income information. The County requires that housing developers undertake specific outreach to persons interested in AFFH units who have signed up via the List.
- B. In the process of accessing the List to sign up on the County’s Homeseeker webpages, interested persons are provided with information for home buyer counseling, including HUD-certified housing counseling agencies and their contact information, and are given the opportunity to review current housing opportunities including community resources, location of employers in the area,

affordable housing developments in development, under construction, or completed as detailed in subsection III.F below.

- C. Use press releases, PSAs and other means to inform interested homebuyers and renters that they may sign up on the List, available at <https://www.westchestergov.com/homeseeker> (or its successor sites) to receive notification of AFFH housing units as they are being marketed. The press releases and announcements will include the Equal Housing Opportunity (“EHO”) logo and, where applicable, the International Accessibility logo, which can be found at <http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm> and <http://nysdhr.gov/Forms/FairHousing/>. The HUD logo website provides guidance on size and use of the EHO logo.

The media outlets to which the County will issue press releases and announcements include:

1. Newspapers/Publications
  - a. General Population Newspapers/Publications

<b>All Counties in Market and Outreach Area</b>	The <i>Daily News</i> , a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.  The <i>New York Post</i> , a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.
<b>New York City (All boroughs)</b>	<i>Metro</i> or <i>AMNY</i> , a free daily newspapers serving the five boroughs of New York City.  <i>Newsday</i> , a daily Long Island and New York City newspaper with a circulation of over 300,000 available throughout the New York metropolitan area.
<b>Fairfield County</b>	The <i>Norwalk Hour</i> , an independent daily in the Norwalk, CT area with a focus on real estate listings.  The <i>Stamford Advocate</i> , a daily newspaper with a stated market area of lower Fairfield County with a daily real estate section.
<b>New York City (Bronx)</b>	The <i>Riverdale Press</i> , <i>The Bronx News</i> , <i>Co-Op City Times</i> , <i>Norwood News</i> , <i>Parkchester News</i> , and/or the <i>Mott Haven Herald</i> , Bronx local weekly newspapers.  <i>Newsday</i> , a daily Long Island and New York City newspaper with a circulation of over 300,000 available throughout the New York metropolitan area.

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<b>Putnam County</b>	<p>The <i>Putnam Examiner</i>, local weekly publication covering Putnam County.</p> <p>The <i>Brewster Standard</i>, the <i>Putnam County Courier</i> (Carmel), and/or the <i>Putnam County Press</i> (Mahopac), Putnam County local weekly newspapers.</p> <p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p> <p>The <i>Daily News</i>, a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.</p> <p>The <i>New York Post</i>, a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.</p>
<b>Rockland County</b>	<p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p> <p><i>Rockland Times</i> – a weekly newspaper serving Rockland County  <i>Rockland Review</i> – a weekly newspaper serving Rockland County.</p> <p>The <i>Daily News</i>, a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.</p> <p>The <i>New York Post</i>, a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.</p>
<b>Westchester County</b>	<p><i>Patch</i>, an online community-specific news and information platform providing local coverage electronically covering the Local Market Area.</p> <p>The <i>Pennysaver</i>, a weekly paper delivered free to all households in the Marketing and Outreach area; contains a real estate section.<sup>1</sup></p> <p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p>

<sup>1</sup> The *Pennysaver* is published to local markets throughout the Marketing and Outreach Area and should be utilized wherever it is practical.

b. Publications that specifically target the LLA populations<sup>2</sup>

<p><b>Fairfield County African American</b></p>	<p><i>Inquiring News</i>, New England's largest African American newspaper, covering Connecticut, including Fairfield County.</p> <p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p>
<p><b>Fairfield County Hispanic</b></p>	<p><i>El Sol News</i>, a Spanish-language newspaper published in Stamford, CT, distributed in southern-Fairfield County and Westchester County.</p> <p><i>El Diario NY</i>, a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.</p>
<p><b>New York City (all boroughs) African American</b></p>	<p><i>Amsterdam News</i>, historic weekly newspaper published in Harlem, with large African American following in New York City, especially Manhattan.</p> <p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p> <p>The <i>Black Star News</i>, weekly newspaper with on-line edition published in Manhattan.</p> <p><i>Our Time Press</i>, a weekly newspaper published in Brooklyn with African American following, especially Brooklyn.</p> <p><i>Caribbean Life</i>, New York City's weekly Caribbean community weekly newspaper serving the New York area.</p>
<p><b>New York City (all boroughs) Asian</b></p>	<p><i>World Journal</i>, a Chinese language daily newspaper covering news of interest to the Chinese community in New York City, particularly New York County.</p> <p><i>Sing Tao Daily</i>, the second largest Chinese daily newspaper published in New York City; markets to the Chinese immigrant community in communities with high concentrations of Chinese immigrants (e.g., Chinatown in NYC).</p>

<sup>2</sup> This list may be updated and expanded over time.

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<b>New York City (Manhattan/ Brooklyn/ Queens)</b> <b>Asian</b>	<i>Newsletter of the Asian American Federation of New York</i> , which is distributed through member agencies in Manhattan, Brooklyn and Queens.
<b>New York City (all boroughs)</b> <b>Hispanic</b>	<i>Hoy NY</i> , a Spanish-language daily newspaper, serving the New York metropolitan area, including Westchester. <i>El Diario NY</i> , Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.
<b>Putnam County</b> <b>African American</b>	<i>Haitian Times</i> , a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.
<b>Putnam County</b> <b>Hispanic</b>	<i>El Diario NY</i> , a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area. <i>El Aguila del Hudson Valley</i> , a bi-weekly publication geared to the Hispanic/Latino community; “the only Spanish and English newspaper in New York”; published in Wappinger’s Falls, it serves Dutchess, Putnam, and Westchester counties.
<b>Westchester County</b> <b>African American</b>	The <i>Westchester County Press</i> , a weekly newspaper that covers African American news throughout Westchester County. <i>Haitian Times</i> , a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.
<b>Westchester County</b> <b>Asian</b>	<i>Newsletter of the Organization of Chinese Americans</i> , which is distributed throughout Westchester County.
<b>Westchester County</b> <b>Hispanic</b>	<i>El Sol News</i> , a Spanish-language newspaper published in Stamford, CT, distributed in southern-Fairfield County and Westchester County. <i>Hoy NY</i> , a Spanish-language daily newspaper, serving the New York metropolitan area, including Westchester. <i>El Diario NY</i> , a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.



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	<p><i>El Aguila del Hudson Valley</i>, a bi-weekly, bilingual, free publication targeted to the Hispanic/Latino community, published in Wappinger’s Falls, serving Dutchess, Putnam, and Westchester counties.</p>
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2. Radio and Television

The County will seek opportunities for radio and television coverage (via interviews, press releases, and news coverage) The press releases prepared will also be sent to all television and radio outlets listed below.

The County will request that PSAs be run on each of the municipal cable stations in the County. The below listed outlets will be included:

- a. General population television networks: Local cable television (Cablevision, Time Warner, RCN, RNN, News 12, NY1 and others that may be identified in the Plan) and regional/ network television (local CBS, NBC, ABC, FOX, and CW affiliates)
- b. Radio stations: Local (WFAS, WHUD, WVOX, WVIP) and regional/network resources (WINS, WCBS, and others that may be identified in the Plan) throughout the Marketing and Outreach Area are to be utilized.
- c. Additionally, the Plan must anticipate that the Developer or Marketing Consultant will seek radio and television coverage with stations that focus on the LLA populations, including the following:

<b>Marketing and Outreach Area</b> <b>African American</b>	<i>Black Entertainment Television</i> (“BET”).
<b>New York City (Bronx)</b> <b>African American/ Hispanic</b>	<i>BronxNet</i> , local cable television network covering the Bronx, NY.

<p><b>New York City (all boroughs), Rockland County, Westchester County Hispanic</b></p>	<p><i>Telemundo</i>, Channel 47, NYC Hispanic television network</p> <p><i>Univision</i>, Channel 41 (WXTV-NY), Univision’s Spanish language television network broadcasting from Teaneck, NJ, to New York City and Westchester and Rockland counties.</p> <p><i>Univision Radio WADO</i> (1280 AM), <i>Radio La Kalle</i> (105.9 FM), and <i>WQBU</i> (92.7 FM), Univision’s Spanish-language radio outlets in NYC, both AM and FM.</p> <p><i>La Mega</i> (97.9 FM), Latin music, news, and culture radio station broadcast from Manhattan to New York City, as well as Westchester, and Rockland counties. (Hispanic/Latino).</p>
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### 3. Web-Based Media

The County will seek web-based media coverage with sites that focus on the LLA populations, including the following:

- a. Bronx News Network, a community-based website focusing on local Bronx news (<http://www.bronxnewsnetwork.org>) (African American and Hispanic Latino populations targeted);
  - b. Asian Community Online Network (<http://www.acon.org>);
- D. Work in conjunction with local not-for-profit organizations and community organizations, to provide information about the availability and purpose of the Homeseeker webpage and the List, which may include participation in ethnic festivals and fairs and other events where interested persons will be provided with information on how to sign up. Where feasible, this may also include providing onsite access to the internet-based form.
- E. Work with each municipality included in the Marketing and Outreach Area to provide information about housing opportunities on their local networks and to their employees through requesting each to post information regarding housing opportunities on their websites, or other means of communications, including sharing of press releases, public services announcements, fliers and links to the County’s Homeseeker webpages.
- F. The County will maintain a website with general information about affordable housing, which will include:
1. Information about the types of documentation (financial or otherwise) generally required to apply for affordable ownership/rental units.
  2. Westchester County Income Limits for affordable housing.

3. Contact information for HUD-certified housing counseling agencies.
  4. Contact information for local fair housing agencies and organizations, including the HUD Office of Fair Housing and Equal Opportunity (“OFHEO”), the County’s Human Rights Commission (“HRC”) and Westchester Residential Opportunities (“WRO”).
  5. Contact information for the State of New York Mortgage Agency (“SONYMA”), which provides home mortgage financing.
- G. The County will maintain the Homeseeker website containing specific developments as they become available, which will include:
1. Information on all available units and housing developments (both rental and ownership), including location, size, and prices or rents for the available units;
  2. GIS maps of the location of each development showing schools, municipal and other local government offices, community facilities and services, availability of public transportation and a selection of other nearby features;
  3. Floor plans and unit layouts;
  4. Estimated dates that the AFFH units may become available for occupancy and any available marketing materials;
  5. Contact information for the Marketing Consultant and Developer for more information;
  6. Links to marketing material provided by the Marketing Consultant;
  7. A link to the application for the development including submission requirements and schedule for application processing and selection; which will be made available at the time it is made available by the Marketing Consultant through other marketing efforts;
  8. Links to the municipality within which the development is located;
  9. Links to the school district within which the development is located;
  10. Announcements and calendar of upcoming information sessions for the development;
  11. Announcements and calendar of upcoming tours of the communities where the AFFH developments are located;

12. The HUD Fair Housing Logo and the Accessibility Logo, where applicable, will be included.

H. The County will publicize the general and specific websites to HUD-certified counseling agencies within the Marketing and Outreach Area, and instruct the agencies on how to assist potential applicants in submitting information to the Centralized Intake System and submitting applications for specific developments.

## V. County Activities

Additional County activities in support of the marketing effort will include:

- A. Reviewing of marketing data collected by the Marketing Consultant, including information on the number of inquires and applications submitted for the development, the source of any referral, and the racial and ethnic data provided to the developer by the persons inquiring or applying for AFFH units.
- B. Monitoring the Marketing Consultant's efforts to conduct outreach to least likely to apply populations as determined by the housing development specific Plan.
- C. Taking steps to direct the Marketing Consultant to increase and/or re-evaluate outreach efforts if LLA populations are not well-represented in accordance with HUD's Handbook 8025.1, Chapter 2 (page 16). The AFHM Plan for any given development will:

*“describe the means by which the effectiveness of various components of the AFHM Plan such as advertising methods and the outreach activities targeted toward the groups identified as LLA or the use of community contacts” will be assessed.*

*“Indicators such as the anticipated racial/ethnic composition of the tenant populations or applicant pool are not to be used as indicators of effectiveness of the Plan under any circumstances.”*

The Marketing Consultant is *“encouraged to use indicators based on good faith efforts, including the number of referrals by community organization; the number of visits to the site or walk-ins due to outreach or advertising; or the representation of persons identified as LLA as part of the potential purchaser or renter group in comparison to the percentage of that group within the housing market area.”*

- D. Placing public service advertisements on Bee-Line Buses and Metro-North trains that inform the public about the Fair Housing Campaign and the Affirmative Fair Housing Marketing and promote the County's AFFH Program and the Centralized Intake List.

- E. Periodically, conducting “Housing Alive” bus tours open to the public, municipal officials, press and others to demonstrate how AFFH units fit into any community, including location and aesthetic aspects of the AFFH unit.
- F. Periodically, updating “Housing Alive” Video to add footage of new AFFH developments and to include messages about fair housing, and assess the most effective ways in which to distribute the video.
- G. Preparing PSAs and requesting media outlets to broadcast PSAs regarding the County’s AFFH Housing Program, in general and for specific developments as they become available.
- H. Issuing press releases when specific developments begin to initiate their marketing and applications are being accepted.
- I. Utilizing the County’s website, Twitter and Facebook (and any emerging or successor social media) to promote open houses, availability of applications and other housing information.
- J. Working with community informational resources including: libraries, churches, community agencies, municipalities and non-profit agencies, including agencies who deal specifically with the disabled community, senior citizens and minority groups who have been identified as least likely to apply, to help disseminate information to the public.
- K. Marketing must include Spanish-language marketing material to serve the population that is Limited English Proficient (“LEP”). To address the needs of LEP persons who do not speak either English or Spanish, the County has an account with a “Language Line” that provides 24/7 translators which can be accessed as needed by County staff to assist in serving all other LEP persons.
- L. Providing marketing materials to faith-based and community organizations that serve newly arrived immigrants.
- M. Providing marketing materials to adult-education training centers or during English as a Second Language classes as requested.
- N. Encouraging Voluntary Affirmative Marketing Agreements between local real estate industry trade associations and the HUD-certified housing counseling agencies to help further fair housing and conduct outreach. Such agreements may include provisions regarding reduced fees and a commitment to advise potential customers about available AFFH units.

## **VI. Review, Approval and Monitoring of AFHMP for AFFH Developments**

The Marketing Consultant must seek the review and approval by the County of all Plans submitted for AFFH developments. The County’s approval must be given prior to the funding of the development. The County’s approval of the Plan will be based on whether the Plan

addresses all the requirements set forth in the requirements for the specific housing development Plan. County staff utilizes HUD's Guidebook 8025.1, Implementing Affirmative Fair Housing Marketing Requirements, as guidance to ensure that all required items are addressed appropriately in the Plan.

- A. The County will track timely submission of all required documentation by the Marketing Consultant. This documentation will include items identified in the Housing Development specific Plan that must be provided to the County for comment, marketing data and other items as identified in the requirements for the Plan.
- B. The County will review documentation that marketing activities in the Plan have been performed, including affidavits of publication of ads, copies of published articles, logs of contacts made to community contacts, copies of letters and other communications as described in the County approved Plan including outreach steps taken to persons signed up on the List.
- C. The County will also require a monthly report provided by the Marketing Consultant summarizing the marketing activities for each month that marketing takes place.
- D. The County will require a report upon completion of the initial marketing period that includes the total number of applicants, the race and ethnicity of the applicants, and disposition of the applications, including the number accepted for processing, the number rejected and reason for rejection, or other disposition status and action including selection for occupancy. This information documents the results of the affirmative marketing activities.
- E. Such monitoring will assist the County in determining the effectiveness of the Housing Development specific Plan, including the effectiveness of the outreach to LLA populations and advise the Marketing Consultant to adjust or increase outreach and advertising to encourage increased interest in the development by LLA households.
- F. The County will withhold certification of qualified tenants and homebuyers if the Marketing Consultant is not in compliance with the approved Plan for that development.
- G. If any non-compliance remains unresolved, the Developer/Marketing Consultant will be required to discard all current applications and re-market the development.

**HOUSING DEVELOPMENT**

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN  
REQUIREMENTS**

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**I. Overview**

Westchester County requires the affirmative fair housing marketing of affordable housing units that affirmatively further fair housing (the “AFFH units”). This marketing will be conducted under a two-pronged approach so as to reach all potentially eligible households, especially those least likely to apply (“LLA”). The County will conduct its own marketing, under the Westchester County Affirmative Fair Housing Marketing Plan (the “Westchester County AFHMP”), and also will require that developers of housing developments work with the county-selected Marketing Consultant (see Section IV.A below) to prepare and implement a Housing Development Affirmative Fair Housing Marketing Plan (the “Plan”) for all specific housing developments. The purpose of the Plan is to ensure outreach to racially and ethnically diverse households. The Plan must include all of the required elements listed herein, and must receive the written approval of the County. Below are the requirements for the Plan.

## II. Housing Development Identification

For each development funded by the County, the development-specific Plan must include the following information:

Owner	[Name] [Address] [Phone] [Email]
Developer	[Name] [Address] [Phone] [Email]
Sponsor	[Name] [Address] [Phone] [Email]
Property Manager	[Name] [Address] [Phone] [Email]
Housing Development	[Name] [Address] [Phone] [Email]
Marketing Agent	[Name] [Address] [Phone] [Email]
Number of Units to be Marketed	[Unit Breakdown]
Target Income	[% of Area Median Income ("AMI")]
Net Purchase/Rental Price	[Price range for each type of unit]
Construction Status	[Type; Target Dates for Construction, Marketing, Occupancy]
Census Tract	[Census Tract Numbers]



Local Market Area (“LMA”)	[Description of LMA]
Marketing and Outreach Area	Westchester County, NY Putnam County, NY Rockland County, NY Fairfield County, CT New York City (five boroughs)

### III. Accessibility/Adaptability Policies

Below is a list of policies (based on the New York State Office of Fair Housing and Equal Opportunity (“OFHEO”) Marketing Plan Guidelines) to be used in formulating specific plans. The Plan should state or include:

- A. Of the total number of units, how many units are accessible and how many units are adaptable.
- B. A description of how requests for reasonable accommodations will be handled, who will be authorized to approve or deny any such requests, and an appeal process for denied reasonable accommodation requests.
- C. A statement noting whether the development has a Telecommunication Device for the Deaf (“TDD”) or an equally effective communication system available to the residents.
- D. A description of any procedures established to accommodate the hearing and sight impaired. (Examples of methods to be used might include readers, signs language, interpreters, and Braille materials.)
- E. State whether priority will be given for fully accessible units to persons who are in need of the special design features of an accessible unit, and if priority will be given first to those living in the complex and then to persons on the waiting list.
- F. A statement that before accessible units are temporarily rented to persons who do not need the special design features, whether there have been diligent marketing efforts to market the units to special need persons, and how those efforts are to be documented.
- G. For those rental developments including such units, whether marketing efforts will continue after rental of units to someone who does not need the special design feature.
- H. State whether lease clauses will be included to require non-special needs occupants to relocate to another unit in the building if the unit is needed by a special needs person.

- I. A description of the policies and procedures that will be used to verify an applicant's disability and noting such information will be limited to only that which is needed to establish eligibility. In developing such policy, the Plan should be in accordance with the Joint Statement of the Department of Housing and Urban Development and the Department of Justice Reasonable Modifications Under the Fair Housing Act (March 5, 2008) where, among other provisions, the housing provider should inquire into the nature of the disability only to the extent necessary to determine the reasonableness of a particular accommodation.
- J. A statement that verification will be required only after a prospective tenant or homeowner has asked that his or her disability be considered in selection for an accessible or adaptable unit.
- K. A description of any policy which permits persons with disabilities to have service and/or companion animals.
- L. A description of unit choice options available to persons with disabilities as those expected to be given to other persons applying for the housing units, e.g., an offer for both first- and second-floor apartments.

#### **IV. Marketing Consultant and Marketing Agent**

- A. To promote uniformity, efficiency, and oversight, the County will select a Marketing Consultant in an RFP or RFQ process. The Developer will work in cooperation with the Marketing Consultant.
  - 1. The Marketing Consultant will centralize marketing functions of the AFFH units, as described in greater detail below.
  - 2. The Marketing Consultant will take primary responsibility for drafting each Plan and submitting it to the County for approval.
  - 3. The Developer will contribute a fee, commensurate with the size of the development, toward the cost of the Marketing Consultant.
  - 4. The Developer may supplement the Marketing Consultant's outreach activities and other activities as appropriate.
- B. The Developer may hire and/or designate a Marketing Agent, a firm or individual, to handle determinations and tenant selection procedures. Developers will not be required to hire a Marketing Agent. Any individuals involved in counseling and qualifying residents shall not be involved in marketing activities and the selection of residents. The Marketing Agent may also be the Property Manager, as appropriate. The Plan must be specific with regard to the role and responsibility of the Developer, the Marketing Agent, if any, and/or the Property Manager, if any.

**V. Direction of Marketing Activities**

- A. The Plan must define the Local Market Area (“LMA”) which shall encompass a population of between 5,000 to 50,000, depending upon population density; or comprise a 1-2 mile radius surrounding the Housing Development site. The Plan shall list the census tracts within the LMA, and identify the racial/ethnic characteristics of the LMA population using relevant 2010 U.S. Census data obtained from <http://www.census.gov/> or <http://www.westchestergov.com/planning/research/default.htm>. The U.S. Department of Housing and Urban Development (“HUD”) regional office is available to provide technical assistance to the Marketing Consultant in performing the requisite demographic analysis.
- B. The Plan must include an appendix with detailed demographic characteristics of the LMA, and a narrative within the Plan describing the LMA including a list of all Census tracts and municipalities included in the LMA; the total number of persons in the LMA; and of the total LMA population the number and percentage of each racial and ethnic population within the LMA. The Plan should specifically provide both the number and percentage of persons identified as White, African American or Black, Asian, and Hispanic/Latino, as defined by the U.S. Census.
- C. The Plan must identify each racial and/or ethnic population with the lowest percentages in the LMA. These are the populations which should be determined to be the least likely to apply for the new AFFH units covered by the Plan.
- D. The Plan must identify the target market for the units in terms of the income groups to be eligible for the AFFH units as households whose total gross household income does not exceed a certain percentage of the Westchester County AMI.
- E. The Marketing and Outreach Area for the AFFH units must include Westchester County and all contiguous counties which include: Putnam County and Rockland County in New York, Fairfield County in Connecticut, and the five (5) counties which comprise New York City. The total population according to the 2010 Census in this 9-county Marketing and Outreach Area was 10,452,472, with the following ethnic and racial breakdown: 5,248,477 (50.2%) White; 2,365,353 (22.6%) African American or Black; 1,153,563 (11.0%) Asian; and 2,758,577 (26%) Hispanic or Latino. (NB: As above, the U.S. Census counts “Hispanics” as “of any race,” meaning there is duplicate counting of the population.)

**VI. Marketing Program**

- A. In accordance with HUD’s Handbook 8025.1 “Implementing Affirmative Fair Housing Marketing Requirements,”<sup>1</sup> no later than 90 days prior to the commencement of any marketing activities, the Plan must provide that the

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<sup>1</sup> Available at <http://www.hud.gov/offices/adm/hudclips/handbooks/fheh/80251/index.cfm>.

Developer (directly or through the Marketing Consultant) must submit to the Westchester County Department of Planning a notice of intent to begin marketing. This notice should be in writing and state the date on which the applicant proposes to commence marketing activities. Marketing may commence up to six months or more prior to expected occupancy of a Housing Development, but no later than three months (90 days) prior to the expected occupancy.

- B. The Plan must provide that marketing for the AFFH units will comply with the requirements set forth in this document, and with applicable New York State, federal and local fair housing requirements. All advertising for all units will be consistent with the Fair Housing Advertising Regulations at 24 CFR 109 and the Fair Housing Act Regulations at 24 CFR 100.75.
- C. The Plan will provide that the Marketing Consultant will affirmatively market the AFFH units to households whose total incomes are at or below the specific income groups which are expressed as a percentage of the Westchester County AMI, adjusted for household size. The maximum income limit for homeownership units is 80% AMI and the maximum for rental housing is 60% AMI. However, the Housing Development may serve a range of incomes lower than these maximums.
- D. The Plan must outline special efforts to reach and engage those in the Marketing and Outreach Area who are least likely to apply. Plan activities should also include:
  - 1. Any Plan which includes homeownership AFFH units must provide that the potential home purchasers receive homeownership counseling and education through a HUD-certified housing counseling agency approved by the County. The Developer may also designate the housing counseling agency as its Marketing Agent to conduct selection and qualification activities in addition to the homeownership counseling and education, so long as such services are delivered in accordance with HUD regulations. Housing counseling staff involved in counseling and qualifying residents shall not be involved in marketing activities and the selection of residents.
  - 2. Marketing requirements may vary by development size with “small project” developments of 1-4 units included in the Westchester County AFHMP and all low-cost measures described below. Developers of larger developments must conduct the below described marketing activities as indicated.
  - 3. The Plan must also provide that any development which includes rental units, such units will be registered with <http://www.nyhousingsearch.gov> when marketing commences. This is a free service provided by New York State to advertise and search for affordable and accessible rental housing. The service is also available through toll-free, bilingual call center at 1-

877-428-8844. Representatives are available to assist with listings and searches.

4. The Plan shall include Spanish language marketing material to serve the Spanish-speaking population that is Limited English Proficient (“LEP”). To address the needs of LEP who do not speak either English or Spanish, and/or to assist the Spanish-speaking population beyond the capacity of the Developer or Marketing Consultant’s staff, the Marketing Consultant shall seek alternative resources to address the need, such as opening an account with a “Language Line” or alternative provider that provides 24/7 translators which can be accessed as needed by marketing staff to assist in serving all other LEP persons.

E. Commercial Media

1. Press Releases

For developments of five units or more, the Plan must provide that Marketing Consultant will issue press releases announcing available AFFH units that will be circulated to media outlets within the Marketing and Outreach Area, including but not limited to those listed in the below charts. The press releases should include: location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities. The Marketing Consultant will be identified in the press release as the contact for inquiries.

Information about available units at different developments may appear in combined press releases, as appropriate; this is especially encouraged for small developments, including those with four units or less. Issuance of the initial press release will coincide with the commencement of the initial marketing period.

2. Advertising

The Marketing Consultant will coordinate advertising for all AFFH units so as to reduce overall costs. The Plan shall indicate the commercial media within the Marketing and Outreach Area to be used to advertise the availability of the housing so as to ensure outreach to racially and ethnically diverse households from groups deemed to be least likely to apply for the units in question. In drafting the Plan, the Marketing Consultant shall consider the outlets listed below in making determinations about where to advertise. In making such determinations with respect to general population media, the Marketing Consultant shall analyze data regarding the readership/audiences of media outlets within the Marketing and Outreach Area, and advertise in a manner that most effectively reaches the LLA population; this includes a determination that

any general market media selected do not diminish the effect of targeted marketing to the LLA population. The frequency of the ads should be indicated in the Plan. Information about available units at different developments may appear in combined advertisements, as appropriate in those cases where the LLA population is identical for those developments; this approach is especially encouraged for small developments.

For developments of fewer than five units, the Plan must provide whether the Marketing Consultant will use commercial media. If the Marketing Consultant does not intend to use any commercial media, the Plan should indicate the reasons for not using such media.

3. Newspapers/Publications to be considered

a. General Population Newspapers/Publications

<b>All Counties in Market and Outreach Area</b>	<p>The <i>Daily News</i>, a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.</p> <p>The <i>New York Post</i>, a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.</p>
<b>New York City (All boroughs)</b>	<p><i>Metro</i> or <i>AMNY</i>, a free daily newspapers serving the five boroughs of New York City.</p> <p><i>Newsday</i>, a daily Long Island and New York City newspaper with a circulation of over 300,000 available throughout the New York metropolitan area.</p>
<b>Fairfield County</b>	<p>The <i>Norwalk Hour</i>, an independent daily in the Norwalk, CT area with a focus on real estate listings.</p> <p>The <i>Stamford Advocate</i>, a daily newspaper with a stated market area of lower Fairfield County with a daily real estate section.</p>
<b>New York City (Bronx)</b>	<p>The <i>Riverdale Press</i>, <i>The Bronx News</i>, <i>Co-Op City Times</i>, <i>Norwood News</i>, <i>Parkchester News</i>, and/or the <i>Mott Haven Herald</i>, Bronx local weekly newspapers.</p> <p><i>Newsday</i>, a daily Long Island and New York City newspaper with a circulation of over 300,000 available throughout the New York metropolitan area.</p>
<b>Putnam County</b>	<p>The <i>Putnam Examiner</i>, local weekly publication covering Putnam County.</p> <p>The <i>Brewster Standard</i>, the <i>Putnam County Courier</i> (Carmel), and/or the <i>Putnam County Press</i> (Mahopac),</p>

	<p>Putnam County local weekly newspapers.</p> <p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p> <p>The <i>Daily News</i>, a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.</p> <p>The <i>New York Post</i>, a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.</p>
<b>Rockland County</b>	<p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p> <p><i>Rockland Times</i> – a weekly newspaper serving Rockland County  <i>Rockland Review</i> – a weekly newspaper serving Rockland County.</p> <p>The <i>Daily News</i>, a daily New York City newspaper with a circulation of over 630,000 available in the eight New York counties in the Marketing and Outreach Area.</p> <p>The <i>New York Post</i>, a daily New York City newspaper with a circulation of over 500,000 available in the eight New York counties in the Marketing and Outreach Area.</p>
<b>Westchester County</b>	<p><i>Patch</i>, an online community-specific news and information platform providing local coverage electronically covering the Local Market Area.</p> <p>The <i>Pennysaver</i>, a weekly paper delivered free to all households in the Marketing and Outreach area; contains a real estate section.<sup>2</sup></p> <p>The <i>Journal News</i>, a Westchester, Rockland and Putnam daily newspaper published by Gannett Westchester Newspapers, containing a daily real estate section, available in print and electronic formats.</p>

<sup>2</sup> The *Pennysaver* is published to local markets throughout the Marketing and Outreach Area and should be utilized wherever it is practical.



b. Publications to be considered that specifically target the LLA populations<sup>3</sup>

<p><b>Fairfield County</b></p> <p><b>African American</b></p>	<p><i>Inquiring News</i>, New England’s largest African American newspaper, covering Connecticut, including Fairfield County.</p> <p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p>
<p><b>Fairfield County</b></p> <p><b>Hispanic</b></p>	<p><i>El Sol News</i>, a Spanish-language newspaper published in Stamford, CT, distributed in southern-Fairfield County and Westchester County.</p> <p><i>El Diario NY</i>, a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.</p>
<p><b>New York City (all boroughs)</b></p> <p><b>African American</b></p>	<p><i>Amsterdam News</i>, historic weekly newspaper published in Harlem, with large African American following in New York City, especially Manhattan.</p> <p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p> <p>The <i>Black Star News</i>, weekly newspaper with on-live edition published in Manhattan.</p> <p><i>Our Time Press</i>, a weekly newspaper published in Brooklyn with African American following, especially Brooklyn.</p> <p><i>Caribbean Life</i>, New York City’s weekly Caribbean community weekly newspaper serving the New York area.</p>
<p><b>New York City (all boroughs)</b></p> <p><b>Asian</b></p>	<p><i>World Journal</i>, a Chinese language daily newspaper covering news of interest to the Chinese community in New York City, particularly New York County.</p> <p><i>Sing Tao Daily</i>, the second largest Chinese daily newspaper published in New York City; markets to the Chinese immigrant community in communities with high concentrations of Chinese immigrants (e.g., Chinatown).</p>

<sup>3</sup> This list may be updated and expanded over time.



<p><b>New York City (Manhattan/ Brooklyn/ Queens)</b></p> <p><b>Asian</b></p>	<p><i>Newsletter of the Asian American Federation of New York</i>, which is distributed through member agencies in Manhattan, Brooklyn and Queens.</p>
<p><b>New York City (all boroughs)</b></p> <p><b>Hispanic</b></p>	<p><i>Hoy NY</i>, a Spanish-language daily newspaper, serving the New York metropolitan area, including Westchester.</p> <p><i>El Diario NY</i>, Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.</p>
<p><b>Putnam County</b></p> <p><b>African American</b></p>	<p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p>
<p><b>Putnam County</b></p> <p><b>Hispanic</b></p>	<p><i>El Diario NY</i>, a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.</p> <p><i>El Aguila del Hudson Valley</i>, a bi-weekly publication geared to the Hispanic/Latino community; “the only Spanish and English newspaper in New York”; published in Wappinger’s Falls, it serves Dutchess, Putnam, and Westchester counties.</p>
<p><b>Westchester County</b></p> <p><b>African American</b></p>	<p>The <i>Westchester County Press</i>, a weekly newspaper that covers African American news throughout Westchester County.</p> <p><i>Haitian Times</i>, a weekly newspaper serving the Haitian community in the New York metropolitan area, available in print and electronic format.</p>
<p><b>Westchester County</b></p> <p><b>Asian</b></p>	<p><i>Newsletter of the Organization of Chinese Americans</i>, which is distributed throughout Westchester County.</p>
<p><b>Westchester County</b></p> <p><b>Hispanic</b></p>	<p><i>El Sol News</i>, a Spanish-language newspaper published in Stamford, CT, distributed in southern-Fairfield County and Westchester County.</p>

	<p><i>Hoy NY</i>, a Spanish-language daily newspaper, serving the New York metropolitan area, including Westchester.</p> <p><i>El Diario NY</i>, a Spanish-language daily published in New York City with distribution throughout the Marketing and Outreach Area.</p> <p><i>El Aguila del Hudson Valley</i>, a bi-weekly, bilingual, free publication targeted to the Hispanic/Latino community, published in Wappinger’s Falls, serving Dutchess, Putnam, and Westchester counties.</p>
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For newsletters and media that do not publish explicit ads, the Plan must state that press releases and news stories will be provided. Any ad or announcement should include: location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities. Contact information should also be provided for inquiries, obtaining an application and/or additional information. Information about available units at different developments may appear in combined ads or announcements, as appropriate in those cases where the LLA population is identical for those developments.

The Plan must provide that all print materials produced by the Developer or the Marketing Consultant will include both the Equal Housing Opportunity (“EHO”) logo and, where applicable, the International Accessibility logo, which can be found at <http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm> and <http://nysdhcr.gov/Forms/FairHousing/>. The HUD logo website provides guidance on size and use of the EHO logo.

The Plan must further provide that draft ads and announcements will be submitted to the Westchester County Department of Planning one month before marketing is to begin. The County may comment on any draft press release, ad or announcement.

#### 4. Radio and Television

The Plan must include that, for developments with five or more units, the Marketing Consultant will seek opportunities for radio and television coverage (via interviews, press releases, and news coverage) as frequently as possible beginning on the date of initial marketing period. The Plan will not require purchase of commercial time. Any press releases prepared should also be sent to all television and radio outlets listed below.

The Plan must also state that, for developments with five or more units, the Marketing Consultant will request that public service announcements be run on each of the municipal cable stations in the Local Market Area

and the Marketing and Outreach Area. The below listed outlets should be included:

- a. General population television networks: Local cable television (Cablevision, Time Warner, RCN, RNN, News 12, NY1 and others that may be identified in the Plan) and regional/ network television (local CBS, NBC, ABC, FOX, and CW affiliates).
- b. Radio stations: Local (WFAS, WHUD, WVOX, WVIP) and regional/network resources (WINS, WCBS, and others that may be identified in the Plan) throughout the Marketing and Outreach Area are to be utilized.
- c. Additionally, the Plan must anticipate that the Developer or Marketing Consultant will seek radio and television coverage with stations that focus on the LLA populations, including the following:

<b>Marketing and Outreach Area</b>  <b>African American</b>	<i>Black Entertainment Television</i> (“BET”).
<b>New York City (Bronx)</b>  <b>African American/ Hispanic</b>	<i>BronxNet</i> , local cable television network covering the Bronx, NY.
<b>New York City (all boroughs), Rockland County, Westchester County</b>  <b>Hispanic</b>	<i>Telemundo</i> , Channel 47, NYC Hispanic television network  <i>Univision</i> , Channel 41 (WXTV-NY), Univision’s Spanish language television network broadcasting from Teaneck, NJ, to New York City and Westchester and Rockland counties.  <i>Univision Radio WADO</i> (1280 AM), <i>Radio La Kalle</i> (105.9 FM), and <i>WQBU</i> (92.7 FM), Univision’s Spanish-language radio outlets in NYC, both AM and FM.  <i>La Mega</i> (97.9 FM), Latin music, news, and culture radio station broadcast from Manhattan to New York City, as well as Westchester, and Rockland counties. (Hispanic/Latino).

## F. Web-Based Media

The Plan must further anticipate that the Marketing Consultant will seek Web-Based media coverage with sites that focus on the LLA populations, including the following:

1. Bronx News Network, a community-based website focusing on local Bronx news (<http://www.bronxnewsnetwork.org>) (African American and Hispanic/Latino populations targeted);
2. Asian Community Online Network (<http://www.acon.org>);
3. Craigslist;
4. The Disability Network (<http://www.dnny.net>);
5. Able Newspaper (<http://www.ablenews.com>), which focuses on people with disabilities.

## G. Other Web-Based Platforms

1. Centralized Intake System: The Plan must include steps to undertake specific outreach to persons interested in ownership and rental of AFFH units who have signed up via the Westchester County Centralized Intake System (the “List”), available at <http://homes.westchestergov.com/homeseeker-opportunities> (or its successor sites). The Marketing Consultant must request a download of the contact information of all who have signed up on the List two-weeks prior to initiation of the marketing period. The County will provide the List with the contact information of all those on the List at that time, or within one week of such request. The List may include both email and regular mailing addresses as provided by those who have signed up on the List. The Plan must provide that the Marketing Consultant will notify all persons on the List provided by the County of the available AFFH units and direct them to sources of additional information. The Marketing Consultant will provide the County with copies of the materials provided to all potential applicants, including marketing and outreach materials.
2. County-run website for all AFFH opportunities: The Plan should address provision of marketing materials to the County for posting on the County’s housing website featuring available affordable homes.
3. Development-specific sites: For Housing Developments of 50 or more units, the Plan must provide that the Developer or Marketing Consultant will create a Housing Development-specific website to provide information on the Housing Development and the community or neighborhood in which the development is located. All marketing information must be posted, providing information on the site, residential

units, amenities, income guidelines and how to access an application. Such site must include the Fair Housing Logo and also contain information or links to fair housing information including contact information and sites for how to file a fair housing complaint with the Westchester County Human Rights Commission (“HRC”) and HUD.

4. Other websites: The Plan must describe expected efforts by the Developer or Marketing Consultant to encourage community-based organizations, advocacy groups, and libraries to include on their websites links to the Centralized Intake System website and Housing Development-specific websites. This request may be made in the letter sent to community contacts. For developments of fewer than 5 units, the development may be included in broader outreach that the Marketing Agent may be conducting which includes other small projects.

#### H. Brochures, Signs and Leaflets and HUD’s Fair Housing Poster

1. The Plan must provide that a temporary sign, as required by the County or other development funding sources, if consistent with and permitted by any local sign ordinance, will be erected. The sign to be erected at the Housing Development site during construction should list all funding sources, the development team, and contact information to obtain an application, and must include the EHO logo and, where applicable, the International Accessibility logo. The EHO and International Accessibility logo on the sign must be of a size at least equal to the largest of the other logos to be included. The sign is to be placed on the construction site at the commencement of construction. A draft or photo of the sign, if any, will be submitted to the Westchester County Departments of Planning for comment prior to start of construction.
2. The Plan must describe development and distribution of leaflets and brochures which are to be produced in English and Spanish. Distribution should include circulation to the organizations and community-based groups serving LLA populations. The Plan should provide that the materials will describe the name and location of the Housing Development; the number of units available; the size and purchase prices or monthly rental cost of the units; income requirements; a list of building features and amenities; a community profile with resources and features; as well as contact information for obtaining an application and/or additional information. The brochures should include information about the related cost of owning or renting a unit, including property taxes, HOA or common charges for homeownership or tenant paid utilities for rental units. The brochure or other information should also describe nearby amenities such as the proximity of schools, religious institutions, shopping, transportation, and public facilities. Where feasible, the materials should also include graphics and floor plans. Drafts of leaflets and brochures, are to be submitted to the Westchester County Department of Planning prior

to initiation of the marketing period for comment. These marketing materials are to be distributed through the contacts identified in the Plan, which should include those contacts listed in appendices for the LLA population, made available at the Developer's and/or Marketing Consultant's Office and/or Marketing Office (if applicable), as well as in information boxes to be available on-site at developments of more than 50 units.

3. The Plan must acknowledge that a HUD Fair Housing Poster must be posted at any office or location where the Developer or Marketing Consultant will be providing information in person to potential applicants, which may include their Office(s), on site Marketing Office or other locations. The Fair Housing Poster is to also be posted in the Model Unit, if one is used for marketing purposes.
4. The Plan must provide that all brochures, leaflets, and signs publicizing the AFFH units will communicate the Developer's Equal Housing Opportunity Policy, will include the Equal Housing Opportunity logo, and, where applicable, the International Accessibility logo. The EHO and International Accessibility logos will be of a size at least equal to the largest of other logotypes used in the publication. If no other logotypes are used, the logos will be in accordance with HUD guidelines and will include the Fair Housing Statement. These items are to be submitted for review to the Westchester County Department of Planning along with the proposed Plan if available, or two weeks prior to printing such items in preparation to initiation of the marketing.

#### I. Social Media

The Plan must anticipate that information on the development will be posted on Developer or Marketing Consultant's Facebook and Twitter pages, if such exist. It is expected that Westchester County will also post links to such information on the County's Facebook and Twitter pages upon being provided with the materials in electronic format. In addition, the Plan must provide that the Marketing Consultant will request community contacts and other outlets to distribute information through their social networks. This aspect of the Plan must be evaluated and updated over time, as new forms of social media emerge and gain mainstream membership.

#### J. Community Contacts

1. In developing the Plan, the Developer or Marketing Consultant should review listings contained in Appendix C, D and E which includes homeownership counseling agencies which serve the Marketing and Outreach Area, community contacts that serve the disabled community, and groups and organizations providing services to racial and ethnic LLA populations, including professional associations and immigrant service

- organizations. The Plan must include a description and listing of those community contacts serving LLA populations which the Developer or Marketing Consultant will contact in implementing such Plan.
2. The Plan should provide that homeownership counseling agencies and community contacts are to be engaged through letters, emails, and/or information packets that include leaflets/brochures, followed by personal contact conducted by the Developer or Marketing Consultant. Upon initiation of the Marketing period, a letter must be sent by regular mail or email to each of the homeownership counseling agency and community contact listed in the Plan requesting that they advise their constituencies and clients of the availability of these affordable AFFH homeownership units and encourage them to take advantage of this housing opportunity. The HUD Equal Housing Opportunity logo and, where applicable, the International Accessibility logo must appear on the letter to the community contacts.
  3. The Plan must describe the Developer or Marketing Consultant's efforts to follow up with regard to each letter, such as calls to the contact person to explore the most effective outreach approach to their respective constituencies and clients. The Plan should also provide for how such efforts by the Marketing Consultant will be documented, including through maintenance of call logs and email correspondence.
  4. Examples of such follow-up may include documentation provided by the Developer or Marketing Consultant that:
    - a. The community contact will follow up with a specific action;
    - b. The community contact provided a list of names for direct contact;
    - c. The community contact is hosting an event or meeting where the Developer or Marketing Consultant may present information to potential applicants, such as workshops in community centers, coffee hour at church service, etc.
  5. The Plan should anticipate documentation secured by the Marketing Consultant of the outreach that each community contact has agreed to undertake. This should be retained in the Developer's or Marketing Consultant's marketing and outreach file. Documentation may include call logs to such groups, notes from phone conversations or meetings, letters and/or email correspondence documenting such contact and outreach activities.
  6. The Plan shall also describe planned participation or outreach efforts in cultural festivals and other large events that are well-attended by members of the LLA populations throughout the Market and Outreach Area. Participation in these events can strengthen and enhance recruitment of



LLA populations such as distribution of informational brochures, showing floor plans, providing information about the community where the development is located, and other activities that may draw interest.

7. The Plan shall provide that the Marketing Consultant will conduct or participate in at least two information workshops in locations with concentrations of LLA populations within the Marketing and Outreach Area. The locations of the workshops will be reasonably accessible to public transportation.
8. The Plan shall provide that the Marketing Consultant, in consultation with municipal leadership and community contacts, will conduct outreach to local civic organizations, neighborhood associations, faith-based organizations, and other groups to describe the AFFH units and the value of diversity, and to encourage community members to welcome applicants and new residents of the AFFH units. These outreach activities should begin soon after all municipal and financing approvals for the development are in place, and should be coordinated with and complement the County's overall outreach efforts to promote the AFFH housing.
9. The Plan shall provide that the Marketing Consultant will encourage the community groups described in the preceding paragraph to hold open house sessions for prospective residents in which the municipality's current residents serve as ambassadors by offering testimonials about the community's assets and participating in or co-leading tours coordinated by the Marketing Consultant.

K. Employer- and Union-Based Marketing

The Plan should describe any outreach efforts and provision of marketing materials to the Marketing and Outreach Area to the following groups, if such outreach is determined to be helpful in marketing to LLA population: labor organizations, business associations or chambers of commerce, and large employers including hospitals, schools and colleges/universities. The Plan may include that the Marketing Consultant will offer to make an in-person presentation to employees and union members of local businesses.

L. Real Estate Associations

1. The Developer or Marketing Consultant will conduct outreach efforts to real estate trade organizations to inform them of the availability of AFFH units.
2. The Developer or Marketing Consultant should seek to have AFFH units for homeownership included in the Multiple Listing Service ("MLS"), if this is determined to be helpful in marketing to the LLA population.



M. Marketing Office

For developments of 50 units or more, the Developer is encouraged to consider leasing a marketing office in the retail core of the municipality and retain it throughout construction. The marketing office is intended to promote the housing by providing a physical location where potential homebuyers and rental tenants from the Marketing and Outreach Area can obtain information and applications for the AFFH units being built and marketed at the development, as well as information on the municipality and surrounding communities. If such office is proposed, it should include the display of aerial photos and visual depictions easily understood by prospective buyers, including site plans, site improvements, and unit floor plans. The Marketing Office must be accessible and a HUD Fair Housing Poster must be posted.

**VII. Homeowner and Rental Tenant Application and Selection Procedures**

- A. The Plan must provide that applications will be available in English and Spanish. Additionally, applications will be made available at the following physical locations: Developer's Office, Consultant's Office, or Marketing Agent's Office (where applicable), and Marketing Office (where applicable). Links to the application or the electronic application form must be provided to the County so that it can be made available as a download from the County's housing website. The Plan should anticipate posting the application on the Developer's or Marketing Consultant's website (if any); and the Housing Development-specific website, when required. A copy of the application should be provided to the County for comment prior to initiation of the marketing period. The application must be available upon initiation of the marketing program.
- B. The Plan must affirm that no processing or application fee will be charged to any applicant, apart from a modest processing fee to acquire a copy of each applicant's current credit report. Any proposed fee must be included in the Plan submitted to the County for comment, and must be disclosed on the application.
- C. The Plan must provide a timeline for the full application and selection of residents, including a reasonable period from the date where the marketing program begins through to the application deadline, and include such schedule. The Plan should also state the instructions to applicants to submit applications to Developer or Marketing Agent, and that the location and deadline for application submission will be clearly noted in all marketing materials and on the application itself.
- D. The Plan must specify the target income groups as expressed through use of the Westchester County AMI, as defined by HUD and adjusted for household size.
- E. The Application must request information regarding race/ethnicity, household composition and source of referral, but must also note that providing this information is voluntary and is requested for recordkeeping purposes only.

- F. The Plan must describe how applicants' income and asset information will be screened and certified by the Marketing Agent/Developer for income eligibility. Details to include in the description include documents applicants will be required to submit related to current income and asset documentation. Such documentation may include but not be limited to the following and as applicable:
1. Statement of Social Security benefits from the Social Security Administration;
  2. Statement of pension benefits;
  3. Statement of annuity payments;
  4. Three months of all bank, credit union and investment statements;
  5. Statement of retirement fund accounts (e.g., 403(b), 401(k));
  6. One month's most recent pay stubs;
  7. Three previous years of federal tax returns with all schedules and W-2s;
  8. Documentation of child support, if applicable.
- G. The Plan must explain how this documentation will be used for prospective homebuyers, to determine: whether the applicant has sufficient assets to cover the down payment and closing costs, and whether the applicant has sufficient income to carry the debt service on the mortgage, real estate taxes, common charges, and related costs.
- H. For prospective rental tenants, the Plan must explain how this documentation will be used to determine whether they have adequate income to cover the rent.
- I. The Plan must state that all applicants for ownership units must demonstrate that they have completed a HUD-certified homeownership counseling program in order to be determined eligible. Further, the Plan should provide that if the prospective purchaser has not completed such program, he or she will be directed to an appropriate not-for-profit housing agency to enroll in the program for homeownership and, if appropriate, landlord/tenant counseling.
- J. The Plan must describe the Developer's or Marketing Agent's procedure to receive, date-stamp, number, and log each application; and enter contact and receipt information in a database created expressly for the development.
- K. The Plan must describe processing of the applications, including the review criteria for completeness and initial determination of eligibility.
- L. The Plan must describe next steps for entering the application into the selection lottery. For example, applications deemed preliminarily eligible based on appropriate income for the household size, by the designated staff will then have that information along with their application number and contact information entered into the database and their application placed in a lottery.

- M. The Plan must also provide applicants who do not submit complete applications an opportunity to cure before the lottery takes place.
- N. The Plan must describe the steps to prepare and implement a public lottery, including the expected schedule to do so. The lottery should be conducted at a previously announced accessible public/community facility that is reasonably accessible to public transportation; at a date and time previously announced, by the Developer or Marketing Agent. All applicants should be informed of the date, time, and location of the lottery drawing, and invited and encouraged to attend. Included in the description of the lottery is the procedure to draw and announce those selected through the lottery. For example, each applicant's name will be announced as their name is drawn, and their information will be entered in a lottery database in sequential order.
- O. The Plan must provide for the method of notification of applicants of their status. For example, applicants may be notified of their lottery ranking by telephone and U.S. mail, or whatever other means of notification has been requested by the applicant and accepted by the Developer or Marketing Agent.
- P. The Plan must describe the steps to process the applications in lottery order, and that this work will be conducted by trained and experienced staff of the Developer or Marketing Agent. This description should explain the process to identify any information or documentation that is either missing or needs to be updated in the application, process to contact applicant to request such information, and timeframe the applicant must respond. For example, applicants are given seven days in which to provide this information.
- Q. The Plan must provide that the Developer or Marketing Agent will take steps to verify that the applicant understands the nature of the housing arrangements for which they have applied. Such understanding may be conveyed through use of a disclosure or acknowledgement form signed by the applicant. Such verification and acknowledgement will confirm that the applicant wants to pursue the application.
- R. The Plan must provide that all income and asset information submitted by the applicant, and verified pursuant to the County's guidelines, must be confirmed and certified by the Developer or Marketing Agent to the County.
- S. The Plan must describe steps to be taken if an applicant either withdraws or is deemed ineligible. For example, he or she will be informed of such by a letter from the Developer or Marketing Agent of their status as ineligible or acknowledgement of withdrawal.
- T. The Plan must also describe disposition of applications submitted after the application deadline or later, after the lottery is conducted. For example, such applicants could be added to the end of the lottery list in the order their application is received.

- U. In addition to the above, the Plan must describe steps and timeline to communicate with applicants to secure any additional documentation, and confirm their continued interest in purchasing or renting the AFFH unit. For example, applicants can be given five days from notification of lottery ranking to confirm that they are interested in pursuing the purchase or rental of the units; an additional seven days to meet with Developer or Marketing Agent to determine eligibility; and an additional seven days to submit additional documentation if needed to determine if they qualify.
- V. The Plan must describe the procedure that will be used to contact applicants determined to be eligible to arrange for unit selection and the purchase or leasing of the unit. In the case of home purchase, the Plan should detail information and assistance that will be made available to the buyers in order to secure a mortgage. This activity may be completed by the housing counseling agency which is providing the homebuyer education and counseling for the development's prospective buyers.
- W. The Plan must detail what will be done with the applications of any qualified applicants in excess of the number of available units. For example, they could be put on a waiting list in the order in which their names were selected during the lottery, and on a first come, first served basis after all the lottery-drawn names have been exhausted, as provided in the above; or receive notification of future marketing for AFFH units.
- X. Additional criteria for which applicants may be screened must be described in the Plan, and may include the following, as examples to be included in the Plan:
1. Legal residency in the United States;
  2. Whether the applicant has a satisfactory rent payment history;
  3. Whether the applicant provides false information on his/her application;
  4. Whether the applicant has an unsatisfactory credit history;
  5. Provision of signed authorization allowing Marketing Consultant to obtain a credit report; and/or
  6. Failure to respond to a request for verification of information or for additional information within 14 days of such request.
- Y. The Plan must describe criteria for tenant applicants to be rejected, in addition to inadequate income to cover the rent. For example, applicants may also be rejected if any of the following exists:
1. Previous housing evictions;
  2. History of lease violations involving repeated late payments, failure to pay rent, public disturbances, damage to the living unit or the property of others and/or physical or verbal attacks on others as documented by police reports;

3. Applicants or household members 18 years of age or older convicted of a drug-related offense;
  4. History of criminal offenses or disruptive behavior, specifically, offenses involving, but not limited to, violence, prostitution, burglary, arson, child pornography and pedophilia, being currently engaged in substance abuse or illegal drug use or trafficking.
- Z. The Plan must detail any other reasons an application may be rejected from consideration, which may include that the applicant does not meet the income, asset, or credit requirements or if the household size either exceeds or does not meet occupancy standards. An applicant who is rejected may appeal the decision to the Developer or Agent.
- AA. The Plan must explain efforts undertaken by the Developer or Agent to ensure the confidentiality of the information provided by applicants, especially with respect to sensitive and personal information including criminal records and child support payments.
- BB. The Plan must detail the process and procedure to notify rejected applicants in writing, which must include the grounds for the rejection. The applicant will be given 10 days from the date of the letter to request a meeting with the Developer or Agent to discuss and review the rejection. In the event that the applicant requests a meeting, such shall be scheduled for a mutually agreeable time within five business days of the request. The procedures should provide that all documents used in rejecting the applicant will be made available upon the applicant's request. The applicant may bring additional documentation to support their appeal of why they should not be denied occupancy. Factors that may be taken into consideration include, but are not limited to: evidence of rehabilitation or repair of the disqualifying act; length of time since the occurrence of the disqualifying act; the likelihood of the reoccurrence of the disqualifying act; evidence of income qualification; or evidence of additional income, savings, or other funds for homeownership qualification. The Plan must state that the appeal meeting will be documented by either written notes and/or voice recording. A written decision of the appeal will be provided to the applicant within 5 days of the meeting.

### **VIII. Assessment of Marketing Efforts**

- A. The Plan must describe steps to be taken by the Developer or Marketing Consultant to monitor and evaluate, on an ongoing basis, the effectiveness of the marketing efforts to reach LLA populations. Such monitoring may result in modifications or adjustments to the Plan during the marketing period. Any changes must be communicated to the County, which may comment or advise the Developer or Marketing Consultant regarding such changes.
- B. In accordance with HUD's Handbook 8025.1, Chapter 2 (page 16), the Plan should describe the means by which the effectiveness of various components of

the AFHM Plan such as advertising methods and the outreach activities targeted toward the groups identified as LLA or the use of community contacts will be assessed. Indicators such as the anticipated racial/ethnic composition of the tenant populations or applicant pool are not to be used as indicators of effectiveness of the Plan under any circumstances. The Developer or Marketing Consultant is encouraged to use indicators based on good faith efforts, including the number of referrals by community organization; the number of visits to the site or walk-ins due to outreach or advertising; or the representation of persons identified as LLA as part of the potential purchaser or renter group in comparison to the percentage of that group within the housing market area.

- C. The Plan must describe collection and retention of data relating to race and ethnicity, household composition and source of referral from applications; inquiries, whether by phone, letter, email, or in person; referrals from community groups; and information provided by attendees at informational meetings conducted by the Developer or Marketing Consultant. Collection of this information will assist in determining whether the provisions of the Plan have been successfully implemented and how effectively the affirmative marketing program has helped attract potential tenants and purchasers of majority and minority groups. The data should be kept and maintained in a excel file, exportable database, or other electronic format for ease of analysis, and must be made available to the County for its review of the marketing efforts.
- D. The Plan must provide for remedial steps that will be taken if LLA populations are not well-represented as described above in section VIII.B. For example, the Developer or Marketing Consultant can request information from contact organizations in the Marketing and Outreach Area to aid in assessing the results and in developing a plan to achieve a higher representation of LLA populations in the applicant pool.
- E. Alternatively, the Developer or Marketing Consultant may develop other tools to assist in evaluation of a lower response, including preparation and distribution of a survey to those who inquired about the Housing Development, and were among the LLA population, and to community groups who serve the LLA populations. Such survey may ask questions that may help determine whether foreign language or minority-controlled media used are effective mechanisms for AFFH marketing; if the marketing materials effectively conveys to LLA purchasers the message that they are welcome to apply and will not encounter discrimination; the particular community contacts (and which ones) are advertising the availability of the affordable AFFH units effectively; and if members of the targeted groups are learning about the housing more through informal means/networks rather than commercial media. Such survey will assist in providing evaluation of the specific provisions of the Plan, and may be the basis for adjustments to the Plan.

## **IX. Future Marketing Activities**

The Plan must detail ongoing marketing of the units once initial sale or lease of the Housing



Development has taken place.

- A. The initial and subsequent homeowner must ensure that any resale of their home is in accordance with the County requirements, including marketing of the property. In order to provide that the marketing is conducted in accordance with County requirements and the approved Plan for the property, the County-selected Marketing Consultant (or a successor to be chosen by the County through an RFP or RFQ process) will be authorized by the County to conduct marketing of such units and to determine income eligibility of the next owner. The homeowner must contract with the Marketing Consultant to provide the necessary services. The cost to be charged for such services will be approved by the County, but will not be in excess of costs typically charged by Real Estate firms for similar services. At a minimum, the marketing of the units will include notification of availability of the unit(s) to persons interested in ownership of AFFH units who have signed up via the Westchester County Centralized Intake System. The marketing of the unit may be included in broader outreach that the Marketing Consultant may be conducting which includes other small projects. All requirements for such resale will be contained in the Declaration of Restrictive Covenants filed on each ownership property, including setting of the resale price by the County and marketing of the unit.
- B. The initial and subsequent homeowner of 2-family, 3-family or 4-family homes must ensure that the leasing of accessory rental units are also in accordance with County requirements, including marketing of the rental units. In order to provide that the marketing is conducted in accordance with County requirements and the approved Plan for the property, the County-selected Marketing Consultant (or a successor to be chosen by the County through an RFP process) will conduct marketing of the rental unit and to determine income eligibility of the next tenant. The homeowner must contract with the Marketing Consultant to provide the necessary services. The cost to be charged for such services will be approved by the County, but will not be in excess of costs typically charged by Real Estate firms for similar services. At a minimum, the marketing of the units will include notification of availability of the unit(s) to persons interested in rental of AFFH units who have signed up via the Westchester County Centralized Intake System. The marketing of the unit may be included in broader outreach that the Marketing Consultant may be conducting which includes other small projects. All requirements for rental of the units will be contained in the Declaration of Restrictive Covenants filed on each ownership property, including setting of the rents by the County and marketing of the unit(s).
- C. The Plan for rental properties must describe ongoing marketing and application submission requirements. This will include the review and selection of tenants to occupy units upon any unit turnover and the maintenance of waitlists to ensure units targeted to lower-income groups continue to be available to households within that income group. Each rental development of five or more units must comply with the Plan approved by the County for that development.

**X. Staff Experience and Instructions for Fair Housing Training**

The Plan should include a biography and the relevant experience of the Developer, Marketing Consultant, and Property Manager or Marketing Agent in conducting Property Management and/or marketing activities for affordable housing developments.

- A. At a minimum the Developer, Property Manager or Marketing Agent should have three years of property management or sales experience in the affordable housing field. This experience must include conducting income eligibility of prospective tenants and/or potential homeowners and experience in affirmative fair housing marketing. If the person or firm does not have this experience, the County will assist in identifying a qualified agency.
  
- B. In accordance with HUD Handbook 8025.1, during the 90-day or more period prior to the commencement of taking applications or sales, all management or sales staff must be provided training in Federal, State and local fair housing laws, The County's AFFH objectives and the approved Plan for the Housing Development. The Developer, Marketing Consultant, and Property Manager and/or Marketing Agent will instruct their employees and agents – in writing and orally – concerning nondiscrimination in housing. These employees and agents will attend workshops on fair housing as necessary. The specific civil rights laws and Executive Orders on which marketing and sales staff will be trained are the following:
  1. The Fair Housing Act and 24 CFR Part 100;
  2. Executive Order 11063 and 24 CFR Part 107;
  3. The Affirmative Fair Housing Marketing Regulations, 24 CFR 200, Subpart M;
  4. The New York State Human Rights Law;
  5. The Westchester County Fair Housing Law;
  6. Title VI of the Civil Rights Act of 1964;
  7. Section 504 of the Rehabilitation Act of 1973, as amended and 24 CFR Part 8;
  8. Westchester County's Affirmative Fair Housing Marketing Plan.

The Developer, Marketing Consultant, Property Manager and/or Marketing Agent must make provision for and describe in the Plan all continuing education efforts and instructions regarding fair housing requirements and objectives will be a continuing part of the agenda of staff meetings and other activities related to the marketing and screening of applicants.



**XI. Record Keeping**

The Plan must outline retention records related to the marketing of the Housing Development, including:

- A. Copies of all advertising and records of publication dates.
- B. Up-to-date records including all applications for housing units; records documenting the selection process for residents of the Housing Development; resident information; and all records and documents selection or rejections.
- C. All application, inquiries and resident records shall include racial and ethnic data on all applicants and inquirers.
- D. Copies of all records shall be made available to the County's Planning Department for monitoring purposes, as scheduled and requested – either on-site monitoring at the Developer's, Marketing Consultant's, Property Manager's or Marketing Agent's Office, or submitted directly to the County.
- E. These records must be kept on file at the Developer's, Marketing Consultant's, Property Manager's and/or Marketing Agent's office, and at the Housing Development-specific Marketing Office, if applicable. If the Marketing Consultant's role in marketing the Housing Development is limited to the initial sale or lease of the Housing Development, the records should be transferred to the Developer's or Property Management Office at the conclusion of the marketing. These records must be retained for a minimum period of 6 years, in accordance with the New York State Records Law, after the issuance of a certificate of occupancy on a homeownership unit or for a rental Housing Development.

**XII. Continued Compliance and Modification of the Plan**

The Plan shall state that the Developer, Marketing Consultant, Property Manager and/or Marketing Agent, if applicable, are responsible for implementing the entirety of the Plan, as approved by the County. The Plan should also state that the Marketing Consultant, Developer, Property Manager and/or Marketing Agent further agree to comply with any changes required by County to the Housing Development Plan, as it may be amended from time to time to assure continued compliance with federal and state requirements. Any changes will require that the Developer submit an amended Plan to the County for approval. The Marketing Consultant, Developer, Property Manager and Agent will implement such amended on a going forward basis.

**XIII. Signature**

The Plan must be signed by an authorized official of the sponsoring or ownership organization, the Developer, the Marketing Consultant, and, if a Marketing Agent or Property Management agency is to be involved, by these entities as well. The signatories assume responsibility for the Plan's implementation and agree to make any changes which may be required to assure continued compliance with affirmative fair housing marketing regulations (CFR 200.620). These requirements are to be incorporated in any future agreements related to the sale or transfer

of the housing binding a new or subsequent owner.

**XIV. Sample Appendices**

- A. Summary Demographic Charts for the Local Market Area and the 9-County Marketing & Outreach Area
- B. Demographic Profiles of the 9-County Marketing and Outreach Area
- C. Homeownership Counseling Agencies for Marketing to General Populations, including LLA
- D. Community Contacts that Serve the Disabled Community
- E. Community Contacts for Marketing to LLA Populations
- F. Maps of Local Market Area and Marketing and Outreach Area
- G. Sample Letter to Contacts
- H. Sample Advertisement
- I. Applicant/Inquirer Datasheet
- J. Staff Affirmative Action Equal Opportunity Acknowledgement
- K. AFHMP Schedule