



**AFFIRMATIVE FAIR HOUSING MARKETING
PLAN AND PROCEDURES**



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The County of Mercer fully endorses state and federal law regarding housing discrimination and actively promotes full access to housing opportunity, both rental and ownership, regardless of race, creed, color, religion, national origin, disability and/or familial status.

I. STATEMENT

The County of Mercer applied for and has been awarded CDBG-CV funds through the NJ Department of Community Affairs. This funding stream has affirmative marketing procedures and requirements for HUD-funded rental and homebuyer projects – and the County of Mercer is developing a comprehensive Affirmative Fair Housing Marketing Plan and Procedures that will ensure compliance with HUD funding.

This Affirmative Fair Housing Marketing Plan and Procedures (“the Plan”) is developed for use with the following federal Housing and Urban Development (HUD) funding programs:

- Community Development Block Grant CARES Act (CDBG-CV) projects in accordance with ADDI Program regulations, including but not limited to 24 CFR 570.601, of the U.S. Department of Housing and Urban Development (HUD) regulations.

The Plan is a commitment of the County’s Housing & Community Development Office to affirmatively further Fair Housing. Mercer County has the responsibility to inform the public about the Federal Fair Housing laws, soliciting eligible persons without regard to race, color, national origin, sex, sexual orientation, source of income, religion, familial status, or disability into the affordable housing market and evaluating the effectiveness of these marketing efforts.

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

This Plan is documented and maintained in the Housing and Community Development Office of Mercer County files and shall be included by reference in all CDBG-CV projects and made an integral part of all funding agreements and case files. The Grantee is held to the terms of the Plan by the requirements in the applicable CDBG-CV or Community Housing Development Organization (“CHDO”) agreement.

II. STATEMENT OF ACTION

In accordance with the Fair Housing Act, the County of Mercer identifies the following Statements of Action with respect to Affirmatively Furthering Fair Housing:

- A. Has appointed a Fair Housing Officer for the county. The appointed officer is the Director of the Mercer County Housing & Community Development Office.
- B. Has contacted the HUD Regional Office of Housing and Equal Employment and the N.J. Division on Civil Rights and requested Fair Housing information.
- C. Implemented a local fair housing counseling program including a referral service to appropriate State and federal enforcement agencies for enforcement of fair housing laws.

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- D. Published a public notice in the local newspaper of record and post a copy of this notice at the municipal hall (or county administration building) announcing the appointment of the Fair Housing Officer and the availability of local fair housing counseling services.
- E. Develop and implement a public information campaign including publicizing the grantee's counseling and referral services, collection and distribution of fair housing literature to relevant organizations and individuals in the community, and/or performing other public relations activities designed to inform the community about this issue.
- F. Declare April the Fair Housing Month
- G. Participate in voluntary partnerships with public and private organizations, locally and/or regionally, to promote fair housing choice and affirmative marketing plans.

III. PURPOSE & APPLICABILITY

It is the Affirmative Marketing Policy of Mercer County to assure that organizations, non-profit and for-profit, and local units of government which might not normally apply for use of these funds because they are unaware of the availability of said funds:

- ◆ be informed of funding availability
- ◆ be encouraged to apply for use of funding
- ◆ have an equal opportunity to apply for use of funding

It is the Affirmative Marketing Policy of Mercer County to assure that individuals who normally might not apply for available housing units because they are socially and/or economically disadvantaged:

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

A. Community Development Block Grant - CARES Act (CDBG-CV)

The CDBG-CV Programs as completed for a limited time by Mercer County are not planned to have any housing related components. However, as part of a larger effort to assist all constituents as much as possible, Mercer County will be including housing information at next scheduled public workshops and events.

IV. METHODS TO DISSEMINATE AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS:

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

- A. The County staff shall be responsible for implementing the Marketing Plan and evaluating its effectiveness as required by the Programs listed in Section I.

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- B. Mercer County shall inform the community about its Affirmative Marketing Policy through periodic updates at public forums, Fair Housing meetings as well as training workshops with its grantees or other similar forums.
- C. At the time of funding for rental housing development, Mercer County will provide the Grantee with copies of *Housing Discrimination & Your Civil Rights: A Fair Housing Guide for Renters & Home Buyers* brochure and the County's *Fair Housing Program* brochure. The Grantee shall provide initial tenants and rental property owners with copies of these brochures.
- D. Mercer County will continue to provide general information and telephone reference numbers to persons contacting the County Housing & Community Development Office with questions regarding Affirmative Marketing and Federal Fair Housing laws.

V. CONSORTIUM AFFIRMATIVE MARKETING REQUIREMENTS

Mercer County will, at least annually, adhere to the following, or similar, Marketing Plan policies regarding announcement of availability of Program funds listed in Section I:

- A. Post a notice of funding availability on the County's website.
- B. Purchase an advertisement for a public notice in a newspaper of general circulation.
- C. Establish and maintain a database of potentially qualified for-profit and non-profit developers and direct mail invitations to apply for funding.
- D. Direct mail an invitation to apply for funding to all local units of government within the County.
- E. E-mail notices of available funding to the County Housing distribution list.

VI. CONSORTIUM REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

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

- A. Mercer County will maintain records of how funding availability was advertised (copies of advertisements, e-mails, etc.).
- B. Copies will be maintained of all training materials and meeting agendas where the County's Affirmative Marketing Policy was discussed.

VII. GRANTEE AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS

Each Grantee using CDBG-CV funds listed in Section I of this Plan must adhere to the following Marketing Plan policies when HUD-assisted housing units become available for rent or purchase:

- A. Incorporate an Equal Housing Opportunity statement or logo in any correspondence associated with rental or home ownership opportunities developed with the use of CDBG-CV Program funds listed in Section I of this Plan.
- B. All marketing of HUD-assisted housing will be jurisdiction-wide and all advertising will be placed in sources of wide circulation. All ads must contain an Equal Housing Opportunity statement or logo.
- C. Media sources should include advertisement to a particular audience (e.g., newspapers or radio stations that serve protected classes).

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- D. All advertisements, brochures, and other written materials should be published in at least English and Spanish, in order to reach non-English speaking audiences and displayed.
- E. Contact should be made with organizations whose membership or clientele consists primarily of protected class members.
- F. Notify the Public Housing Authority or Authorities in the county in which units are located when HUD-assisted units are available for rent or purchase.
- G. The project owner must display the Equal Opportunity logo and Fair Housing poster in an area accessible to the public (e.g., rental office).

VIII. GRANTEE REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

In order to verify that CDBG-CV Grantees are following Marketing Plan, the County requires the following record keeping procedures will be required:

- A. Grantee maintains records of how vacancies were advertised (copies of advertisements, etc.).
- B. Copies of all brochures, leaflets, and letters to community contacts shall be maintained in an easily accessible file.
- C. Grantee shall have a written policy that outlines how all applications will be reviewed and processed. Grantee records should show how all completed and filed applications were processed including whether an applicant was accepted or unaccepted and why an applicant was not accepted.
- D. Maintenance of information on the race, sex, ethnicity, and whether the applicant is disabled for all applicants, home buyers, and tenants. The County will have the Grantee submit this information on at least an annual basis to coincide with the County's submission of its Consolidated Annual Performance and Evaluation Report ("CAPER").
- E. To facilitate collection and reporting of the required data, the Grantee shall fill out and maintain form HUD-935.2A or HUD-935.2B *Affirmative Fair Housing Marketing Plan* forms found here: https://www.hud.gov/program_offices/administration/hudclips/forms/hud9a .

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

IX. COUNTY ASSESSMENT OF ITS AFFIRMATIVE MARKETING POLICY

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

- A. The County will assess the results of its Affirmative Fair Housing Marketing Plan annually with a summary of "good faith efforts" taken by the County as well as its Grantees in the CAPER.
- B. The County will compare the information compiled in the manner described under Section V and Section VII above and evaluate the degree to which statutory and policy objectives were met. If the required steps were taken, the County will determine that good faith efforts have, in fact, been made.
- C. To determine results, the County may examine whether specific groups in the County's service area applied for or became tenants or owners of HUD-funded units that were affirmatively marketed. If the County finds that specific groups are represented, particularly Hispanics,

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African Americans, Asians, American Indians, persons with disabilities, and women, the County will assume that the Marketing Plan procedures were effective. If one or more groups are not represented within the context of existing neighborhood composition, the County will review its procedures to determine what changes, if any, might be made to make the affirmative marketing efforts more effective.

- D. The County will take corrective action if it is determined that a Grantee has failed to carry out Affirmative Marketing efforts as required. If a Grantee continues to neglect responsibilities made incumbent by the terms of the Agreement, the County will consider taking one or both of the following actions:
 - 1. Declare the Grantee disqualified from any further assistance made available through the Mercer County.
 - 2. Notify the Grantee of the Program funds that were in violation of the terms of the Agreement and the County may exercise its right to require immediate repayment of the funding.
- E. The County will not proceed with corrective action without allowing time and effort by staff to counsel the Grantee in accordance with the terms of the Agreement.