

Affirmative Fair Marketing & Resident Selection Plan

Kathy Pryce-Jones, Sr. Manager, Affordable Housing

April 16, 2015



Agenda

- Overview
- Affirmative Fair Marketing & Resident Plan Requirements
 - Content to address
 - Documents to include
 - Marketing & Outreach requirements
- Helpful Tips/Best Practices
- Questions

Introduction

AvalonBay Communities, Inc.

- 37 Communities in Massachusetts
- 30 have an affordable component
- My role is to ensure compliance with affordable requirements, provide tools & support for our on-site teams.

Timeline

Action	When	Duration
Submit draft marketing plan with Comprehensive Permit Application	1-2 years before construction start	6 months for a comp permit decision.
Submit Final Plan & Materials to SA	30 days before marketing start	Allow 1-2 weeks for final approval
Begin Marketing	~120 prior to move-ins	Required 60 day minimum
Information Session(s)	Start of Marketing	-
Open Enrollment	~ 90 days before first move-ins	Required 60 day minimum
Lottery Final Resident Qualification	~60-45 days from first move-ins (rental)	~ 30 days rental 6 wks to close (homeowner)
Review Plan & Update	Every 5 years at a minimum	-

Affirmative Fair Housing Marketing & Resident Selection Plan

- Section III of the 40B Guidelines
 - Advertising applies to *all* units
 - AFHMP is applied to the affordable units upon availability for the term of affordability
 - Goal is to provide information & attract applicants that are the least likely to apply

Last Updated December 2014

Tip: Know Your Subsidizing Agency

MHP, MassHousing, DHCD, Mass Development

- There are some requirements that may differ between agencies:
 - Rent Calculations
 - Criminal Background Check Requirements
 - Eligibility Requirements
 - Income Calculations

Developer Qualifications

- Entity must have a minimum of 3 projects with successful AFHMP in Massachusetts
 - Individual- minimum of 5 projects
- Capacity to address matters of Limited English Proficiency
- No Fair Housing Violations
- No Findings or Final Determinations

What if we don't meet these qualifications?

Drafting an Affirmative Fair Marketing Plan: Components

Required Content

- Signature Statement
- General Community Description
- Rents & Income Limits
- Reasonable Accommodation Statement
- Non-Discrimination Statement
- Limited English Proficiency (LEP)
- Eligibility Requirements
- Criminal Background Checks
- Description of the rules for applying & order in which applications will be processed
- Lottery/resident selection *Covered in afternoon session*
- Preference System Used- *Covered in earlier session*
- Description of the Use/Deed Restriction (*Homeownership*)

Required Documents

- Applicant Information Materials
- Sample Advertisements and other marketing materials
- Pre-application & Application Form
- Authorization to Release
- Lease, Lease Rider

Signature Statement

“As authorized representatives of [Developer] and [contractor], respectively, each of us has reviewed this plan and agrees to implement this AFHMP, which shall be made effective as of the approval date. Further, by signing this form, [Developer] agrees to review and update its AFHMP as necessary in order to comply with all applicable statutes, regulations, executive orders and other binding DHCD requirements pertaining to affirmative fair housing marketing and resident selection plans reasonably related to such statutes, regulations, executive orders, as same may be amended from time to time. We hereby certify that all the information stated herein, as well as any information provided herewith, is true and accurate.

Community Description

- Property Description
 - Location
 - Number of units, number affordable
 - Bedroom sizes
 - Amenities
 - Accessibility
 - Other information such as owner and/or management agent

Community Description- Example

Meadowbrook Gardens is a 185 garden style apartment complex in Town, MA. 37 apartments are designated affordable homes.

	Market	Affordable	Total
One Bedroom	68	17	85
Two Bedroom	80	20	100
Total Apartments	148	37	185

There are 10 fully accessible apartments. Community amenities include a club room, fitness center, an outdoor courtyard with a swimming pool, and a parking garage. ABC Management will be the management agent.

Income Limits, Rents & Sales Price

- Income Limits
- Sales Price- homeownership
- Gross Rents
- Utility Allowance
 - What does it cover
- Net Rent

Statement of Reasonable Accommodations

- Must allow reasonable accommodations:
Applicants with disabilities may request (i) modifications to the apartment or development or, (ii) accommodations to our rules, policies, practices or services, if such modifications and accommodations are necessary to afford an equal opportunity to use and enjoy the housing.

Nondiscrimination Statement

Meadowbrook Gardens will not discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law.

Address Matters Related to Limited English Proficiency (LEP)

- Provide Language Access Planning
 - DHCD Resource
- Provide reasonable language assistance at no cost to the applicant
- Translated Materials
- Interpretation services

XYZ encourages applicants with diverse backgrounds to apply for housing at our communities. For those with Limited English Proficiency, the owner will utilize a Language Line Service, which provides translation services in a multitude of languages. The owner calls the number to explain the need, and an interpreter translates the information to the applicant.

Criminal Background Checks

- The plan must indicate whether they are required or not.
- Subsidizing Agency must approve this requirement, if applicable
- Cannot be a pre-condition for the lottery
- Model Policy for reference

Applicant Eligibility Requirements

- Describe applicant eligibility requirements
 - Chapter 40B Requirements:
 - Applicants must fall below the maximum income limits
 - Apartment/house must be primary Residence
 - Maximum/minimum household members
 - Real Estate Ownership*
 - Developer Requirements:
 - Criminal Background Checks*
 - Credit Requirements
 - Minimum income limits

Homeownership Applicant Eligibility Requirements

Check with your individual subsidizing agency for homebuyer eligibility requirements

1. Asset limits
 - a. Age restricted: \$275K b. Non-age restricted: \$75K
2. Assets sold for less than FMV in last 2 years are counted in full.
3. No homeownership within 3 years before application

Exceptions: displaced homemakers, single parents, household with member 55 or older, property was not in compliance with building codes and cost prohibitive to fix

Application Procedures

- Describe the application process
- Describe the lottery process
 - Include justification on local preference, if applicable
 - Include measures to ensure affirmative fair marketing
- Describe waitlist process/on going application acceptance
- Address AFHMP requirements upon resale (homeownership only)

Use/Deed Restriction

- Applies to Homeownership Plans only
- Universal Deed rider endorsed by Fannie Mae

Required Documents

- Subsidizing Agency must ensure that all applicant/resident documents are in compliance
 - Confirm documents contain the required information
 - Confirm there is not any information that violates Fair Housing laws or DHCD requirements
 - Ensure information is clear

Applicant Information Materials

- General Description of Community
 - Number of Market/Affordable Units by number of bedroom
 - Community Amenities
 - Parking
 - Accessibility
- Information on Application Process
- Qualification Standards

Application Documents

- Pre-Application (If applicable)
- Application for Residency
- Authorization to Release Information
- Lease Agreement
- Lease Rider (If applicable)

Outreach & Marketing Materials

- Draft fliers
- Newspaper advertisements
- Online publications

Marketing & Outreach

- Chapter 40B Marketing Requirements
- Marketing cannot begin until approval is received from the subsidizing agency!
- Minimum marketing durations is 60 days

Where to Advertise?

- Local Newspapers
- Regional Newspapers
- Newspapers that serve minority groups and others protected by Fair Housing Laws
- Non-English publications
- Fair Housing Commissions, area churches, local and regional housing agencies, local housing authorities, civic groups, lending institutions and non-profit organizations

Where to Advertise, Continued...

- **Affordable Units:** Metrolist
- **Accessible Units:** MassAccess whenever these apartments are available
- **Affordable Units:** MassAccess
- **Homeownership Units:** Mass Affordable Housing Alliance Website

Marketing Requirements

- Community Name, location, and availability
- Rents
- Contact information
 - Phone (including TTY)
 - Address
 - Email
 - Online resources
- Informational Meeting(s) Details
 - Date(s), time(s), and Location(s)

Marketing Requirements, continued

Application Information:

- How to request or pick-up an application
- Where and how to submit an application
- Lottery Date

Qualification Standards:

- Income limits

Marketing Requirements, continued..

- The Fair Housing Logo and Slogan
- Accessible apartment logo, if applicable
- Nondiscrimination Statement
- Reasonable Accommodations Information
- Portraying people should depict members of classes of persons protected under fair housing laws



Marketing Materials- What NOT To Do

- Do not indicate any preference or limitation
 - No local preference advertising
 - Do not target specific groups, i.e. “empty nesters”
 - Refers to images & text
- Do not make different marketing materials for different populations

Marketing Materials

Knowledge Check!

Informational Meeting Goals

- Introduce prospective affordable housing applicants to the project
- Provide an overview of the application and lottery process
 - Provide application materials
- Answer any questions

Informational Meeting Requirements

- At least one meeting is required at the start of the marketing period
- The meeting must be held in a public, accessible location
 - Municipal building, school, library, public meeting room
- Held in the evening or on a weekend

Tips & Recommendations

- Know & Coordinate with the Entire Team
 - Development
 - Operations
 - Marketing
- Plan Your Schedule
- Develop Templates
- Create Checklists
- Track 5 Year Updates

Questions?