

**LUDLOW HOUSING AUTHORITY**

**FAIR HOUSING MARKETING PLAN**

**Adopted by the Board of Commissioners**

**August 23, 2022**

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**COMMENTARY**

Per the February 10, 2022 Division of Public Housing of Massachusetts' PHN 2022-03 (Public Housing Notice), regarding the Fair Housing Marketing Plan, (FHMP), the following represents updated information and resources on matters relating to the Plan.

State-aided public housing regulations at 760 CMR 4.07 require the Ludlow Housing Authority (LHA) to biennially determine whether the percentage for each minority (defined in 760 CMR 5.03) group in the LHA's housing by program (elderly/family) is significantly below the percentage for the minority group in the general population of Ludlow or in the general population of the applicable metropolitan statistical area ("MSA"), whichever is greater, and if so, shall update and implement its written FHMP to ensure affirmative outreach to the minority group.

DHCD PHN 2021-14 notified LHAs that starting with the 6/30/22-3/31/23 fiscal year end planning year, LHAs will be required to adopt Language Access, Reasonable Accommodation, and Fair Housing Marketing Plans as part of the Performance Management Review (PMR).

Briefly, the FHMP outlines the relevant federal and state fair housing law, provides a space for LHAs to record demographic data for the Town of Ludlow, outline marketing and outreach policies applicable to all LHAs, and provides space for LHAs to include additional marketing and outreach information specific to its housing programs and affirmative fair housing goals. The tool utilized relies on data from the most recent 5-year sample of the American Community Survey published by the U.S. Census Bureau and it will be updated periodically as new Census Bureau data is published.

A marketing effort shall be initiated whenever the following shall occur:

- The LHA's minority tenant population is significantly (a difference of one percentage point or more) below the percentage for the minority group in Ludlow or general population of the MSA, whichever is higher.
- The waiting list including available MRVP vouchers, is less than the number of applicants anticipated to be placed in the next 12 months;
- Applications for new programs or units will be accepted; or
- The overall minority tenant population is less than the LHA's Affirmative Action Goal adopted pursuant to 760 CMR (5.20(3)).

## **INTRODUCTION**

The Ludlow Housing Authority (“LHA”), its Board and staff are responsible for implementing federal and state civil rights laws that affect the admission, occupancy, and procurement of services for the LHA. When developing, marketing, or leasing units, the following Fair Housing Marketing Plan applies.

### **I. FEDERAL FAIR HOUSING LAWS<sup>1</sup>**

#### **A. The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)**

- i. As amended, prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, familial status, national origin, or disability.

#### **B. Title VI of the Civil Rights Act of 1964**

- i. Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.<sup>2</sup>

#### **C. Age Discrimination Act of 1975**

- i. Prohibits discrimination based on age in any program or activity receiving federal financial assistance.
- ii. Exceptions may apply when age is used as part of criterion for a program that has a statutory age limit, or is otherwise statutorily authorized.

#### **D. Section 504 of the Rehabilitation Act of 1973**

- i. As amended, prohibits discrimination against persons with disabilities in any program or activity receiving federal financial assistance.

#### **E. Title II of the Americans with Disabilities Act**

- i. Prohibits discrimination against persons with disabilities in all services, programs, and activities of state and local public entities.

#### **F. The Architectural Barriers Act of 1968**

- i. Requires buildings and facilities that are constructed by or on behalf of the United States, or leased by the United States, or buildings financed in whole or in part by a grant or loan made by the United States, to be accessible to persons with disabilities.

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<sup>1</sup> This is not intended to be an exhaustive list. A brief summary is provided for each law. To access the full text of a particular law, type in the above URL and click the embedded URL.

<sup>2</sup> “Program or activity” under Title VI, Section 504 of the Rehabilitation Act, and the Age Discrimination Act noted above means “all the operations” of the covered recipient of federal financial assistance.

## **II. MASSACHUSETTS FAIR HOUSING LAW**

### **A. M.G.L. c. 151B**

- i. Prohibits discrimination on the basis of race, color, religious creed, national origin, sex, age, ancestry, genetic information, veteran/military status, sexual orientation, gender identity, marital status, presence of children, disability or receipt of public assistance, including housing subsidies in the sale, rental, or lease of covered dwelling units, including publicly assisted dwelling units.

### **B. Massachusetts Equal Rights Law (M.G.L. c. 93, § 102)**

- i. Provides that all persons within the Commonwealth of Massachusetts, regardless of sex, race, color, creed, or national origin, shall have equal rights to make and enforce contracts, and to inherit, purchase, lease, sell, hold, and convey real and personal property.

### **C. Article CXIV of the Massachusetts Constitution**

- i. Provides that “no otherwise qualified handicapped individual shall, solely on the reason of his handicap, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth.”

### **D. M.G.L. c 121B, § 32**

- i. Prohibits discrimination and segregation in LHA-operated housing on the basis of race, color, creed, religion, blindness or physical handicap.

## **III. FAIR HOUSING MARKETING PLAN**

This Fair Housing Marketing Plan (“FHMP”) is adopted in accordance with the federal and state laws listed above, as well as state-aided public housing regulations at 760 CMR 4.07. Pursuant to 760 CMR 4.07, the LHA shall biennially determine whether the percentage for each minority group in the LHA’s housing by program (i.e., elderly/handicapped program and family program) is significantly below<sup>3</sup> the percentage for the minority<sup>4</sup> group in the city or town or in the general population of the applicable metropolitan statistical area (“MSA”), whichever is greater, and, if so, shall update and implement this FHMP to ensure affirmative outreach to the minority group.

The LHA has an ongoing responsibility to ensure that people in the local city or town, the primary MSA, and the communities from which applicants have historically applied for housing

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<sup>3</sup> For this purpose, “significantly below” means that the percentage for each minority group in the LHA’s housing for a given program is at least one percentage point below the percentage for the minority group in the city or town or in the general population of the applicable MSA, whichever is greater. For example, Asian households comprise 5% of residents in the LHA’s Chapter 667 housing, but 6% or more of the population in the city or town or the applicable MSA, whichever is greater, the percentage in the LHA’s housing would be deemed “significantly below”.

<sup>4</sup> “Minority” has the meaning assigned to it in 760 CMR 5.03: *Definitions*.

are aware of the availability of units and given an opportunity to apply. The LHA shall initiate a marketing effort whenever any of the following situations occur:

- a. the LHA has any minority group among its tenant population that is significantly below the percentage for the minority group in Ludlow or in the general population of Springfield MA MSA, whichever is greater;
- b. the waiting list, including available MRVP vouchers, is less than the number of applicants anticipated to be placed in the next 12 months;<sup>5</sup>
- c. applications for new programs or units will be accepted; or
- d. the overall minority household population (where at least one household member is a minority) is less than the LHA's Affirmative Action Goal adopted pursuant to 760 CMR 5.10(3).

#### **IV. DEMOGRAPHICS OF LUDLOW AND SPRINGFIELD, MA MSA**

Percentage of Ludlow that is:

Black or African-American:	___ 1 ___ %
Asian:	___ 1 ___ %
Native Hawaiian or Pacific Islander:	___ 0.0 ___ %
American Indian or Alaskan Native:	___ .1 ___ %
Hispanic/Latino:	___ 8.6 ___ %

Percentage of Springfield, MA MSA that is:

Black or African-American:	___ 5.8 ___ %
Asian:	___ 2.8 ___ %
Native Hawaiian or Pacific Islander:	___ 0.0 ___ %
American Indian or Alaskan Native:	___ .1 ___ %
Hispanic/Latino:	___ 18.5 ___ %

Percentage of LHA elderly/handicapped tenant population that is:

Black or African-American:	___ 11 ___ %
Asian:	___ 0.0 ___ %
Native Hawaiian or Pacific Islander:	___ 0.0 ___ %
American Indian or Alaskan Native:	___ .1 ___ %

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<sup>5</sup> Marketing of MRVP PBV waiting lists administered by LHAs will include postings with Housing Navigator at <https://www.housingnavigatorma.org/>.

Hispanic/Latino: \_\_\_\_\_ 11 \_\_\_\_\_ %

Percentage of LHA family tenant population that is:

Black or African-American: \_\_\_\_\_ 2 \_\_\_\_\_ %

Asian: \_\_\_\_\_ 0.0 \_\_\_\_\_ %

Native Hawaiian or Pacific Islander: \_\_\_\_\_ 0.0 \_\_\_\_\_ %

American Indian or Alaskan Native: \_\_\_\_\_ 0.01 \_\_\_\_\_ %

Hispanic/Latino: \_\_\_\_\_ 8.6 \_\_\_\_\_ %

**V. MARKETING CONTENT – GENERALLY**

**A.** Marketing for LHA units, as well as for the LHA as a whole, will provide information, maximum opportunity, and otherwise attract eligible persons protected under federal and state fair housing laws who are less likely to apply.

**B.** When undertaking marketing efforts, the LHA shall utilize the following advertising methods:

i. Advertisements will be posted on the LHA’s website. The LHA has no social media accounts, therefore, no advertisements will be posted except to the website.

ii. Advertisements will be shared with the local fair housing commission, area religious institutions, local and regional housing agencies, civic groups, social services agencies, and other local community organizations, including: St. Elizabeth RC Church, Christ the King Church, Our Lady of Fatima Church, Catholic Charities, United Way, YWCA, and area domestic violence agencies, Greater Springfield Interfaith Organization, local community colleges, etc.


iii. Advertisements will be placed in the digital or print versions of local and regional newspapers, including: Masslive, the Register (a Ludlow newspaper), the Reminder (an East Longmeadow newspaper), the Worcester Telegram & Gazette, The Republican, Cape Cod Times, etc.

iv. Advertisements will be placed in the print versions of non-English publications (in the language of the publication) based on the prevalence of particular language groups in the regional area, including but not limited to El Mundo.

v. Advertisements will also be disseminated by local radio station WMAS-FM 94.7, WestMass News covering three local television stations for their websites.

**C.** All materials being used for advertisements should direct potential applicants to the online application at CHAMP and indicate that paper applications may be downloaded

and printed out from the DHCD website or picked up at the management office of any local housing authority. Applicants may also request that an LHA send them an application by mail.

- D.** Application information must also include a statement regarding the LHA's obligation not to discriminate in the selection of applications.
- E.** The size of the advertisements, including the content of the advertisement, as well as the dates of the advertising, will be comparable across regional, local, and minority newspapers.
- F.** The local residency preference will not be advertised so as not to discourage non-local potential applicants.
- G.** The Fair Housing logo () and slogan ("Equal Housing Opportunity") will be included in all marketing materials. All marketing will be comparable in terms of the description of the opportunity available and the dates of marketing, regardless of the marketing type (e.g., local newspaper vs. minority newspaper).
- H.** All marketing will offer reasonable accommodations in the application process.

#### **VI. SPECIAL EFFORTS TO ATTRACT MINORITY APPLICANTS**

- A.** Should it be necessary to attract applications from underrepresented minority groups, this LHA will advertise in the local appropriate language newspaper, spread the need via word of mouth, and/or personally visit the applicable local religious organization.
- B.** In addition to local and regional newspapers, advertisements will be placed in newspapers that serve minority groups and other groups protected under fair housing laws, including: El Mundo, etc. Notices will also be sent to organizations to ensure affirmative outreach to under-represented minority groups identified in accordance with 760 CMR 4.07: e.g., the Asian American Civic Association, Black Ministerial Alliance of Greater Springfield, Casa Esperanza, Greater Springfield Interfaith Organization, Catholic Charities, Massachusetts Alliance of Portuguese Speakers, Massachusetts Commission on Indian Affairs, Massachusetts Center for Native American Awareness, Massachusetts Office on Refugees and Immigrants, NAACP, Refugee and Immigrant Assistance Center.

#### **VII. OUTREACH EFFORTS TO PERSONS WITH DISABILITIES**

- A.** This LHA will provide notice of handicapped accessible units with MassAccess (<http://www.massaccesshousingregistry.org> or a successor website registry in accordance with M.G.L.C. 151B. § 4(7A). This LHA will also notify the American Association of People with Disabilities and The Arc of Massachusetts and Mass ElderCare. Services for the Blind, local Board of Health, etc.
- B.** All marketing will offer reasonable accommodations in the application process. The LHA will also provide application materials in alternative formats, engage in alternative means

of communication through auxiliary aids and services, and/or provide assistance with the application process as necessary to ensure that persons with disabilities are reasonably accommodated and have equally effective access to the LHA's programs.

### **VIII. LANGUAGE ASSISTANCE FOR APPLICANTS WITH LIMITED ENGLISH PROFICIENCY**

Marketing informational materials will provide notice of free language assistance to applicants, translated into the languages of Limited English Proficiency ("LEP") populations anticipated to apply in accordance with the LHA's Language Access Plan.

### **IX. MARKETING TIMELINE**

- A.** All advertisements will run annually a minimum of two times. The first set of advertisements will run as soon as possible after the LHA determines that marketing efforts are necessary. The second set of advertisements will begin running at least thirty (30) days after the end of the first set of advertisements.
- B.** All advertisements will be designed to attract attention.
- C.** The marketing timelines will be on an as-needed basis for: (i) advertising and other outreach by publication/organization; and (ii) application distribution.

### **X. PLANS FOR CORRECTING NEGATIVE PROCEDURES OR POLICIES**

Should it become necessary to make any corrections to procedures or policies having had a negative effect on applications by or selection of minorities or other classes of persons protected under Fair Housing Laws, such as establishing a minority placement ratio pursuant to 760 CMR 5.10(3), the Policy and procedures will be amended, voted upon by the current Board of Commissioners and placed into immediate action. This action will be taken following investigation by the LHA to determine the validity of the needed correction.



This Fair Housing Marketing Policy is signed and executed this 23rd day of August, 2022 by the Board of Commissioners:

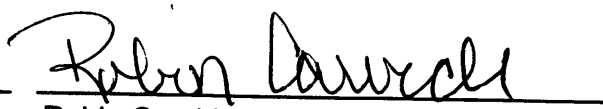
  
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