



Homes and Community Renewal

KATHY HOCHUL
Governor

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Commissioner/CEO

HOUSING TRUST FUND CORPORATION

Notice of Funding Availability (“NOFA”) and Request for Applications Fair Housing Testing, Education and Networking Program

Released: November 13, 2023

Technical Assistance Session: November 28, 2023 at 11:30 (Webex info provided below)

Applications Due: December 28, 2023

I. Background and Goals

The Housing Trust Fund Corporation (“HTFC”) seeks to continue the implementation of a fair housing testing and education program (“Program”), building upon a fair housing testing pilot commenced in 2021. The total grant amount is \$2,200,000 for a two-year performance period starting in early 2024 and ending in early 2026, with another \$2,200,000, subject to availability of funds, for a two-year performance period from 2025 to 2027.¹ The grant amount will be divided between grant awardees across the State pursuant to this Notice of Funding Availability (“NOFA”). Grant agreements will be entered into with each grant recipient for the first performance period (2024-2026) and may be extended to the subsequent performance period (2025-2027) subject to performance of the first contract period, as well as availability and allocation of funding.

The goals of the Program are to (1) identify unlawful housing discrimination in different regions across the State and to increase proactive enforcement of and education surrounding fair housing laws which prohibit discrimination against individuals protected under the federal Fair Housing Act and the New York State Human Rights Law, (2) educate renters, owners, housing providers, lenders, and the real estate industry on the existence of the fair housing testing program as well as fair housing laws and protections in order to further compliance with and the goals of fair housing and (3) support the development of networks and collaboration regarding fair housing enforcement in the State.

II. Eligible Applicants

Applicants must be non-profit community-based organizations that have at least 2 years of experience in fair housing intake, complaint and audit-based investigations and testing for fair housing violations using various methodologies including paired testing, phone and in-person testing. The organization must have an established fair housing testing unit/department within the organization, pre-existing staff trained on methods and evidence preservation for fair housing testing, and a current practice of performing successful fair housing tests. The organization must have extensive experience conducting fair housing tests based on a broad range of protected

¹ The Program will be structured so that the first year encompasses fair housing testing and education activities and the second year encompasses only reporting activities related to the activities conducted in the first year.

characteristics including race, disability, source of income and familial status among others protected under state and federal human rights laws. Applications who do not possess the requisite programmatic experience are ineligible.

III. Eligible Uses of Funds

The awards resulting from this NOFA will provide funding for the following within the contract year:

1. Salaries (including fringe) or hourly wages for employees and testers engaged in the activities listed below;
2. Office and facility costs directly related to the work performed pursuant to the grant;
3. Marketing and promotional campaigns and materials;
4. Technology and communications; and
5. Other eligible costs as approved by HTFC.

IV. Application and Award Process

A. Relevant Dates and Materials

The following are relevant dates:

- Released: November 13, 2023
- Technical Assistance Session: November 28, 2023 at 11:30am
- Applications Due: December 28, 2023

Application materials for NOFA and all updates will be available on the Fair and Equitable Housing Office website: <https://hcr.ny.gov/feho>. Applicants are encouraged to check the website periodically for updates. Inquiries may be sent to: feho@hcr.ny.gov.

Technical Assistance Webex Information

Join from the meeting link:

<https://meetny.webex.com/meetny/j.php?MTID=m5b19a9a4287751f73828b9853c49686e>

Join by meeting number

Meeting number (access code): 169 216 0275

Meeting password: FHTesting23

Tap to join from a mobile device (attendees only)

[+1-518-549-0500](tel:+15185490500).,1692160275## US (English Menu)

Join by phone

+1-518-549-0500 US (English Menu)

B. Application Review

Applications that meet all threshold eligibility review requirements will be scored and ranked competitively using the following review criteria.

1. Completeness (5 points)
2. Implementation Capacity and Readiness (15 points)
3. Experience of the organization in fair housing testing (20 points)
4. Strategy and Approach (25 points): How does the organization intend to execute the Program in line with the goals of uncovering discrimination, educating and creating behavior change among housing stakeholders, and creating/establishing meaningful and sustained networks and feedback loops on fair housing testing issues in the State.
5. Staff and leadership diversity and demonstrated commitment to equal employment opportunity, including MWBE and SDVOB programs (15 points)
6. Cost effectiveness (20 points)

C. Award Recommendation and Board Approval

HTFC will determine the number of awards granted and dollar amount of awards recommended based on available funding, proposal quality and feasibility as determined by the review and rating of an application as described above. Recommendations are advanced to the Housing Trust Fund Corporation Board for consideration and the funding award must be approved by the Board prior to award and execution of a grant agreement.

V. Program Components

A. Summary

The Program involves the following 4 components performed over the course of 12 months:

1. Fair Housing Testing;
2. Fair Housing Outreach and Education Activities;
3. Establishing Linkages, Networks and Feedback Loops Regarding Fair Housing Testing and Protections; and
4. Reporting to HTFC.

B. Components

This NOFA contemplates 2 performance periods. Performance Period 1 is from 2024 to 2026 and Performance Period 2 from 2025 to 2027 although it is subject to the allocation of funding through the State of New York. Although the performance periods are 2 years, both contemplate the majority of the scope being completed in Year 1 of the Performance Period (Components 1-3), with Component 4 (Reporting) carrying forward in Year 2.

1. Fair Housing Testing (To be Completed in Year 1 of Performance Periods)

Grant recipients across the State will conduct a minimum of 75 fair housing tests in their geographic area of the State..

A fair housing test means an observation of an entity (i.e., a housing provider or their agent, a broker, a lender) to examine whether an entity is violating fair housing laws. One fair housing test may include instances where several testers are utilized to observe the conduct of a single entity to determine if differential treatment occurred and whether the entity is possibly violating fair housing laws.

As part of this Component, grant recipients will:

- Establish and maintain a call-in number and email address for members of the public to report instances of suspected housing discrimination;
- Identify sites and the protected class for testing;
- Establish investigation and testing methodology and profiles;
- Select appropriate testers in accordance with the requirements outlined in 24 CFR 125.107;
- Train testers in any necessary additional testing procedures and techniques;
- Conduct testing together with the gathering and maintenance of evidence in a manner consistent and suitable for law enforcement and litigation purposes;
- Receive and analyze testing results;
- Engage in the enforcement of potential fair housing violation(s) by the commencement of administrative or court proceedings, or in the alternative, the referral of the fair housing violations to another organization that is committed to pursuing the claim; and
- Provide such other related services as HTFC may request from time to time.

2. Fair Housing Testing Outreach and Education Activities (To be Completed in Year 1 of Performance Periods)

As part of this Component, grant recipients will provide outreach, education and disseminate materials on fair housing laws to further their fair housing testing program, including to help determine where to test and what protected class to test for. The Work Plan should include the following :

- Conduct or co-sponsor outreach, training and education on fair housing in NYS, which must include, at a minimum:
 - 3 trainings for local landlords and real estate professionals regarding fair housing laws and in particular, source of income and criminal system history protections. NYSHCR’s polices regarding credit and criminal system history applicant screening should be highlighted. Available here: <https://hcr.ny.gov/marketing-plans-policies#credit-and-justice-involvement-assessment-policies>
 - Two (2) trainings for the general public in the local area on fair housing rights and resources including reporting suspected fair housing violations (must also include criminal system protections available in the New York Human Rights Law),
 - 2 trainings for local public housing authorities or administrators that administer Section 8 programs, Section 8 mobility programs (currently they exist in Long Island, Rochester, Buffalo, Westchester and others are in the process of being established), and their residents. These trainings must include criminal system history protections and should focus on source of income protections as well as other protections.
- A social media blast (with a paid social media buy) regarding fair housing testing enforcement activities in the area.
- Other trainings, media and outreach activities may be included in the application. Describe the content, format, intended audience and purpose of the activity.

All training events must have language access abilities and be accessible for individuals with disabilities. In addition, all training events must include resources for attendees on where to report discrimination and request fair housing testing.

The grant recipient may subcontract out portions of the outreach and training to organizations with expertise in the training area (subject to HTFC’s ultimate approval). Awardee may also coordinate with other housing and fair housing organizations to split the cost and work of these events.

3. Establishing Linkages, Networks and Feedback Loops Regarding Fair Housing Testing and Protections (To be Completed in Year 1 of Performance Periods)

As part of this component, grant recipients will include in their Work Plan plans to:

- Make best efforts to meet at least once with each of the following stakeholders in counties served by the Awardee to inform them on the fair housing testing program and other resources that are available to them:
 - Local Section 8 voucher administrators for counties served by the grant recipient,
 - The local Section 8 mobility programs (currently they exist in Long Island, Rochester, Buffalo, Westchester and others are in the process of being established),
 - Independent living centers that provide an array of services that assist New Yorkers with all disabilities to live fully integrated and self-directed lives
 - The local Department of Corrections and Community Supervision Offices, Re-entry Offices and Re-entry Operations Offices, available here: <https://doccs.ny.gov/offices>
- On at least a quarterly basis,
 - Convene with other fair housing testing organizations to exchange best practices and other critical information.
 - Meet with the Division of Human Rights, the Office of the Attorney General and New York State Homes and Community Renewal.

The grant recipient may subcontract out functions in this component (subject to HTFC ultimate approval).

4. Reporting to HTFC (To be Conducted in Year 1 and Year 2 of Performance Periods)

The grant recipient will prepare on a quarterly basis, in a format to be determined by HTFC, a report of the plans, progress and results of the three (3) program components listed above;

VI. How to Apply

A. Submission of Application

All completed applications should be submitted to feho@hcr.ny.gov by the deadline listed above in zipped format.

B. Contents of Application

The Application shall include:

1. A cover letter from the executive director or equivalent that includes:
 - a. A certification that the Applicant meets the eligibility criteria.
2. A description of:
 - a. The geographic area in which the applicant currently operates

- b. Qualifications including staffing and experience conducting fair housing testing;
 - c. Initiatives and engagement with creating equitable and diverse working and economic environment for employees, contractors, subcontractors and community members;
 - d. The organization’s proposed strategy in achieving the goals set out in Section I.
3. Work Plans for all Components
- a. A completion of the “Fair Housing Testing Work Plan” (Component 1) in Appendix A outlining the geographic area of the applicant’s testing activities. The applicant may also provide the requested information for the additional counties for which they are submitting an application;
 - b. A completion of the “Fair Housing Outreach and Education Work Plan” (Component 2) in Appendix A, including any work that may be subcontracted and/or co-sponsored (subject to HTFC’s approval);
 - c. Workplans for components 3 and 4 regarding “Establishing Linkages, Networks and Feedback Loops Regarding Fair Housing Testing and Protections,” and reporting to HTFC.
 - d. A Component 4 Work Plan regarding reporting to HTFC.
4. A Cost Proposal to carry out the Work Plans in the format specified in Appendix B.
5. Administrative Forms listed below must be completed and included in the Application.

- [Vendor Responsibility Questionnaire – Non-Profit Entity](#)
- [MWBE & EEO Policy Statement, PROC-4](#)
- [Company Demographic Profile, PROC-7](#)
- [EEOC Statement, PROC-8](#)
- [W-9 Form](#)
- [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
- [Contracting with Businesses Conducting Business in Russia](#)

6. Insurance Documents

If awarded, the applicant (*and its subcontractors, if any*) shall furnish to HTFC evidence of the following insurance requirements prior to the awarded Agreement:

- a. Worker's Compensation Insurance and Disability Benefits Coverage providing statutory benefits for the applicant and the applicant’s Parties’ (*defined as the applicant and those working on its behalf being, i.e., subcontractors and vendors*) employees and Employer's Liability coverage in an amount that is no less than Five Hundred Thousand Dollars (\$500,000).
- b. Worker's Compensation Coverage is acceptable on one of the forms below:
 - **Form C-105.2** – Certificate of Workers’ Compensation Insurance issued by private insurance carriers; **OR**
 - **Form U-26.3** issued by the State Insurance Fund; **OR**
 - **Form SI-124** – Certificate of Workers’ Compensation Self-Insurance; **OR**
 - **Form GSI-105.2** - Certificate of Participation in Workers’ Compensation Group Self-Insurance; **OR**

- **CE-2006** – Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.
- c. Disability Benefits Coverage is acceptable on one of the forms below:
- **Form DB-120.1** - Certificate of Disability Benefits Insurance; **OR**
 - **Form DB-155** - Certificate of Disability Benefits Self-Insurance; **OR**
 - **CE-200** – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

VII. General Application and Award Provisions

HTFC reserves the right to communicate with an applicant for the purpose of addressing clerical and arithmetical errors in applications.

HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing contracts and has not taken satisfactory steps to remedy such non-compliance. Activities that commence prior to contract execution and environmental review will not be eligible for reimbursement.

HTFC reserves the right to award all, more than identified, a portion of, or none of the available funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant’s ability to advance the State’s housing goals, and HTFC’s assessment of cost reasonableness. HTFC reserves the right to award all, a portion of, or none of the application’s requested amount, and further reserves the right to review an application requesting funds as an application for funding under other programs for which the proposed activity is eligible, and to change or disallow aspects of the applications received.

HTFC reserves the right to waive any requirement contained in this NOFA or revise the terms of this NOFA as needed.

Award of funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding for proposed activities.

By submitting a NOFA Submission, the applicant acknowledges that, if awarded, they will be solely responsible for ongoing compliance with any and all Federal and State requirements related to the Scope of Work outlined or included in this NOFA. The requirements included in this NOFA are not necessarily comprehensive, and it is the successful applicant’s responsibility to remain knowledgeable of, and compliant with, any new or revised rules that are adopted during the life of the contract. Where there are contradictions between this NOFA and Federal Law, Federal Law will prevail and control.

THIS NOTICE WAS PREPARED AND SUBMITTED BY:
NADYA SALCEDO, DIRECTOR, FAIR AND EQUITABLE HOUSING OFFICE
NYS HOMES & COMMUNITY RENEWAL
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APPENDIX A – WORK PLANS FOR COMPONENTS 1 AND 2

I. Component 1: Fair Housing Testing Work Plan

The Work Plan should include at least 75 fair housing tests for each performance period with planned counties enumerated in the tables below. The Work Plan should also list how Applicant will determine which tests to conduct, the methodologies by which fair housing tests will be conducted, and the referral entities (if any) that the Applicant would send violative findings to.

A. Primary Geographic Areas

County	Performance Period 1 (2024-2025) Proposed Number of Tests in Each County	Performance Period 2 (2025-2026) Proposed Number of Tests in Each County <i>*Subject to Funding Availability</i>
Capital District Region		
Albany County		
Columbia County		
Greene County		
Rensselaer County		
Saratoga County		
Schenectady County		
Warren County		
Washington County		
Central New York Region		
Cayuga County		
Cortland County		
Madison County		
Onondaga County		
Oswego County		
Finger Lakes Region		
Genesee County		
Livingston County		
Monroe County		

Ontario County		
Orleans County		
Seneca County		
Wayne County		
Wyoming County		
Yates County		
Long Island Region		
Nassau County		
Suffolk County		
Mid-Hudson Region		
Dutchess County		
Putnam County		
Rockland County		
Sullivan County		
Ulster County		
Westchester County		
Orange County		
Mohawk Valley Region		
Fulton County		
Herkimer County		
Montgomery County		
Oneida County		
Otsego County		
Schoharie County		
New York City Region		
Bronx County		
Brooklyn County		
New York County		
Richmond County		

Queens County		
North Country Region		
Clinton County		
Essex County		
Franklin County		
Jefferson County		
Hamilton County		
Lewis County		
St. Lawrence County		
Southern Tier Region		
Broome County		
Chemung County		
Chenango County		
Delaware County		
Schuyler County		
Steuben County		
Tioga County		
Tompkins		
Western New York Region		
Allegany County		
Cattaraugus County		
Chautauqua County		
Erie County		
TOTAL:		

II. Component 2: Fair Housing Outreach and Education Work Plan

A. Training Events (Performance Period 1 (2024-2026))

Proposed Topic	County(ies)	Audience	Online or In-Person	Co-Sponsor or Sub-Contractor
TOTAL NUMBER				

B. Training Events (Performance Period 2 (2025-2027))

Proposed Topic	County(ies)	Audience	Online or In-Person	Co-Sponsor or Sub-Contractor

TOTAL NUMBER				

C. Other Media and Outreach Activities

[Complete for Performance Period 1 as well as Performance Period 2 (which is subject to funding availability)]

APPENDIX B – COST PROPOSAL FOR ALL WORK PLANS

Applicants are encouraged to upload an Excel or Word spreadsheet for more space.

PERFORMANCE PERIOD 1 (2024-2026)

Category	% FTE or # of Hours	Salary/ Hourly Wage	YR 1 Cost (all testing and training activities)	YR 2 Cost (Continued reporting only)	Narrative
Salary					For each position, specify title, salary, FTE/PTE
Position 1 (specify)					
Position 2 (specify)					
Position 3 (specify)					
Position 4 (specify)					
Other positions (specify)					
Fringe Benefits					
Travel					
Supplies					
Media & Advertisement					
IT Equipment/Phone/Text/ Technology					
Office Space					
Other (specify)					
TOTAL:					

PERFORMANCE PERIOD 2 (2025-2027) (SUBJECT TO CONFIRMED FUNDING AVAILABILITY)

Category	% FTE or # of Hours	Salary/ Hourly Wage	YR 1 Cost (all testing and training activities)	YR 2 Cost (Continued reporting only)	Narrative
Salary					For each position, specify title, salary, FTE/PTE
Position 1 (specify)					
Position 2 (specify)					
Position 3 (specify)					
Position 4 (specify)					
Other positions (specify)					
Fringe Benefits					
Travel					
Supplies					
Media & Advertisement					
IT Equipment/Phone/Text/Technology					
Office Space					
Other (specify)					
TOTAL:					