



**National
Fair Housing**
TRAINING ACADEMY

Building Inclusive Communities:

A Planning Guide for Fair
Housing Organizations



July 2024

Table of Contents

I. Introduction	1
▶ Purpose of the Guide	
▶ Unique Position of Fair Housing Organizations in Fair Housing Planning	
II. Understanding Affirmatively Furthering Fair Housing (AFFH) & Fair Housing Planning	5
▶ What is AFFH and Fair Housing Planning?	
▶ How to Communicate the Need for AFFH	
▶ Importance of AFFH and Creating Inclusive Communities	
▶ Legal Framework: Fair Housing Act (the Act) and Related Rules	
III. Key Components of Fair Housing Planning	11
▶ Timing	
▶ Community Engagement	
▶ Fair Housing Plan Contents	
▶ Fair Housing Goals	
▶ Public Comments and Publication of the Fair Housing Plan	
▶ Submitting the Fair Housing Plan to HUD	
▶ Connecting the Fair Housing Plan to Other Plans	
▶ Touch Points for Fair Housing Organizations in the Fair Housing Planning Process	
IV. Roles for Fair Housing Organizations	17
▶ Engaging Communities	
1. Benefits of Strong Community Engagement	
2. Best Practices When Engaging Communities	
3. Connecting the Fair Housing Plan to Needs and Goals Beyond Housing	
▶ Planning Support	
▶ Supporting Regional Collaborations	
V. Resources to Support Fair Housing Planning	31
VI. Role of FHOs in AFFH Enforcement	32
VII. Conclusion	33

DISCLAIMER

Note: This material is based upon work supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. Neither the U.S. Government nor any of its employees makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe on privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the U.S. Government or any agency thereof. Opinions expressed on the HUD Exchange are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, HUD or any HUD program.

I. Introduction

Purpose of the Guide

The purpose of this guide is to equip fair housing organizations (FHOs)¹ with the knowledge and skills to become proactive and influential participants in the fair housing planning process. It empowers FHOs to:



Engage in the Fair Housing Planning Process: Equip HUD program participants and the public with the key steps involved in fair housing planning, including community engagement, data analysis, identifying fair housing issues, setting priorities for action, and developing fair housing goals to overcome the identified fair housing issues.



Identify Opportunities for Advocacy: Highlight opportunities for FHOs' participation in planning meetings, public hearings, and community engagement initiatives, including supporting regional collaborations in fair housing planning, collaboration between entitlement jurisdictions and public housing agencies (PHAs), and collaborations between various entitlement jurisdictions. This guide will also help tenant councils, community organizations, and residents understand the fair housing planning process and how it impacts their communities.



Develop Effective Strategies: Provide best practices for strategic messaging, building stakeholder coalitions, and engaging communities to support development and implementation of fair housing goals, including linking fair housing plans to consolidated and PHA plans, as well as plans required under other federal programs.



Leverage Data and Research: Equip FHOs with resources to analyze data and research to build a compelling case for fair housing initiatives and support HUD program participants in data-informed fair housing planning and implementation.



Hold Decision-Makers Accountable: Outline strategies to hold HUD program participants undertaking fair housing planning accountable for substantive fair housing planning and taking meaningful actions to achieve fair housing goals.

Ultimately, this guide empowers FHOs to achieve their mission of creating inclusive and equitable communities with access to opportunity for all. By taking an active role in the fair housing planning process, FHOs can ensure that fair housing principles are embedded into housing and community development planning, leading to a more just and vibrant future for all communities.

¹ Fair housing organizations (FHOs) include 1) fair housing organizations and other nonprofits that receive funding through HUD's Fair Housing Initiatives Program (FHIP) to assist people who believe they have been victims of housing discrimination and 2) state and local governments that receive funding through HUD's Fair Housing Assistance Program (FHAP) to enforce their own statutes and ordinances that are substantially equivalent to the Fair Housing Act. For the purposes of this guide, FHOs include FHIPs and FHAPs.

I. Introduction

Unique Position of Fair Housing Organizations in Fair Housing Planning

FHOs hold a unique position in fair housing planning because they combine several key strengths:

Community Expertise: FHOs are deeply rooted in the communities they serve and possess a firsthand understanding of the lived experiences of residents within a community. In many instances, FHOs are positioned to know which residents, particularly those with protected characteristics, are disproportionately facing housing discrimination, barriers to accessing opportunity, or other fair housing issues. This on-the-ground knowledge is crucial for identifying local fair housing issues and creating effective solutions.

Advocacy Powerhouse: FHOs are champions of fair housing with a proven track record of advocacy. They possess the skills, relationships, and experience to mobilize communities, raise awareness, and push for fair housing policies within the fair housing and community development planning processes.

Data Champions: FHOs are adept at collecting and analyzing data on housing patterns, discrimination incidents, and demographic trends. These data are essential in the fair housing planning process to identify fair housing issues and support strategies to affirmatively further fair housing.

Bridge Builders: FHOs can act as a bridge between residents, policymakers, and other stakeholders in the fair housing planning process by facilitating communication and fostering collaboration to ensure that community voices are heard in the decision-making process.

Independent Voice: FHOs offer an independent perspective focused solely on achieving fair housing outcomes, which is crucial for holding stakeholders accountable to fair housing principles.

Grassroots Communicator: The fair housing world has its share of jargon and technical terms that the public at large might not understand. For example, “affirmatively furthering fair housing,” or “AFFH,” is a term that is used a lot within the fair housing community; however, to the public at large, it may be just a meaningless mouthful. FHOs have the knowledge and experience to break down and explain important fair housing concepts in plain language that the public can understand. In addition, FHOs have the skills to identify and categorize broader and recurring themes from community feedback into discrete fair housing issues, such as the lack of affordable housing, landlord/tenant complaints, and zoning and land use policies.

In essence, FHOs combine community knowledge, advocacy expertise, data analysis skills, and a commitment to resident empowerment. This unique combination makes them invaluable partners in the fair housing planning process.

II. Understanding Affirmatively Furthering Fair Housing (AFFH) and Fair Housing Planning

This section dives into the process of fair housing planning and the Affirmatively Furthering Fair Housing (AFFH) mandate, a powerful tool to dismantle housing segregation, create inclusive communities, and expand opportunity for all.

What is AFFH and Fair Housing Planning?

AFFH is a key provision of civil rights legislation known as the Fair Housing Act, which passed with bipartisan support and was signed into law by President Lyndon B. Johnson in 1968. The Fair Housing Act aims to: 1) eliminate housing discrimination and 2) create diverse, inclusive, and thriving communities. The law requires all entities receiving federal funds for a housing or community development purpose to administer those funds – as well as all their other housing and community development activities – in a manner that affirmatively furthers fair housing and ensures the equitable and non-discriminatory distribution of critical community resources. This includes cities, counties, states, and insular areas that receive funding under the Community Development Block Grant (CDBG), HOME Investment Partnerships, Housing for People with AIDS, and Emergency Solutions Grant programs, as well as PHAs that own and manage public housing units and administer Housing Choice Vouchers (HCV) and other assisted housing programs. HUD refers to these entities as “program participants.”

HUD has defined AFFH as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns

with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing law. The duty to affirmatively further fair housing extends to all [HUD] program participants’ activities and programs relating to housing and urban development.”²

Fair housing planning is a key step for program participants to determine how they can best affirmatively further fair housing. That means taking a hard look at the fair housing issues in their geographic areas, establishing meaningful goals to overcome those issues, and then setting out concrete strategies – along with any necessary funding – to make those goals a reality. To help fulfill their AFFH obligations, program participants are encouraged to undertake fair housing planning and implement their plans to achieve a material positive change.

For decades, HUD had required recipients of federal financial assistance such as states, local governments, insular areas, and PHAs (i.e., HUD program participants) to engage in fair housing planning. For example, in the 1990s, HUD provided guidance on fair housing planning in the form of the Analysis of Impediments to Fair Housing Choice, and in 2015, in response to a Government Accountability Office report, HUD undertook rulemaking to require program participants to conduct an Assessment of Fair Housing (AFH).³

² Affirmatively Furthering Fair Housing, 88 Fed. Reg. 8529, 8557 (proposed Feb. 9, 2023) (to be codified 24 C.F.R. § 5.170).

³ See Government Accountability Office Report, Housing and Community Grants: HUD Need to Enhance Its Requirements and Oversight of Jurisdictions’ Fair Housing Plans, (Sept. 14, 2010), available at <https://www.gao.gov/products/gao-10-905>.

II. Understanding Affirmatively Furthering Fair Housing (AFFH) and Fair Housing Planning

What is AFFH and Fair Housing Planning?

Fair housing planning is community planning consistent with the duty to affirmatively further fair housing. It calls for program participants to analyze historic barriers to equal opportunity (the fair housing landscape) in their jurisdiction or service area and set goals to overcome those barriers and ensure fair housing choice for individuals with protected characteristics, including race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status, and disability, within a community. Fair housing planning creates a roadmap by which to eliminate segregation and promote integration, overcome disparities in access to opportunity, maintain compliance with fair housing and civil rights requirements, and address other barriers to fair housing choice based on characteristics protected by the Fair Housing Act.

HUD and the federal government continue to work toward achieving the integrated and more balanced living patterns envisioned by the Fair Housing Act in 1968. In 2021, the White House issued a Memorandum to the Secretary of Housing and Urban Development, which declared that the affirmatively furthering fair housing provision in the Fair Housing Act "...is not only a mandate to refrain from discrimination but a mandate to take actions that undo historic patterns of segregation and other types of discrimination and that afford access to long-denied opportunities." The White House, in 2021, also issued a number of executive orders that reaffirmed HUD's responsibility for implementing the AFFH mandate, including [Executive Order 13895, "Advancing Racial Equity for Underserved Communities Through the Federal Government."](#)



Fair housing planning is a key step for program participants to determine how they can best affirmatively further fair housing.”



II. Understanding Affirmatively Furthering Fair Housing (AFFH) and Fair Housing Planning

How to Communicate the Need for AFFH

Despite the passage of the Fair Housing Act, policies of government officials and private actors continue to perpetuate residential segregation and its attendant costs. By sharing the history and present-day impacts of segregation, FHOs can help others appreciate the urgency of taking meaningful action to fulfill the Fair Housing Act's AFFH mandate and the resulting benefits for everyone.

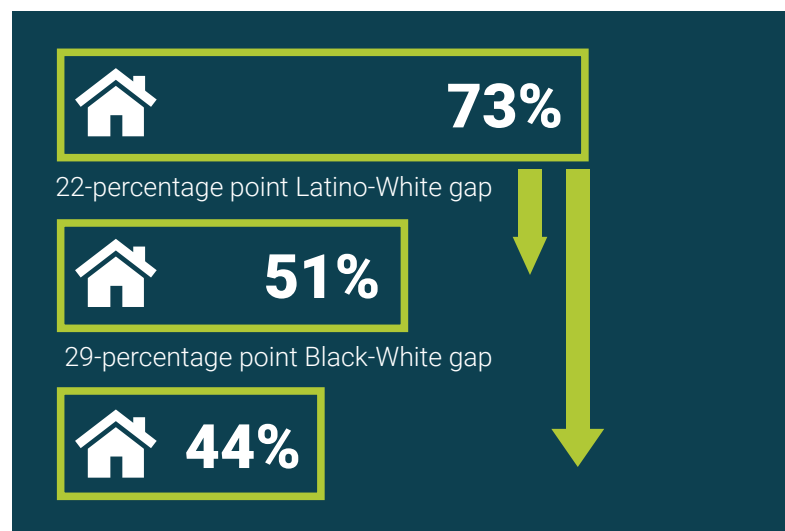
For example, in the 1960s and 1970s, the federal government funded transportation projects in which cities often used eminent domain to condemn and raze housing, businesses, and churches and displace residents of Black communities.

The systemic and pervasive residential segregation that was historically sanctioned (and even worsened) by federal, state, and local law – segregation that the Fair Housing Act was meant to remedy – has persisted to this day. In countless communities throughout the United States, people of different races and ethnicities remain segregated in different neighborhoods, often due to past government policies and decisions and current failure to take action to address these fair housing issues.

In 1960, before housing discrimination was outlawed by the Fair Housing Act, there was a 27-percentage-point gap between Black homeownership (38 percent) and White homeownership (65 percent).⁴ In 2021, the Black/White racial homeownership gap was even wider at 29 percentage points, representing a significant barrier to wealth-building for households of color. Because homeownership generates intergenerational wealth, the racial homeownership gap has exacerbated the racial

wealth gap. In 2022, the median wealth was \$285,000 for White households, \$61,600 for Latino households (20 percent of the wealth held by White households), and \$44,900 for Black households (15 percent of the wealth held by White households).⁵

Segregation is extremely costly to the U.S. economy and regional markets. The wealth gap between White and Black persons is projected to cost the U.S. economy between \$1 trillion and \$1.5 trillion in lost consumption and investment between 2019 and 2028. This translates to a projected gross domestic product (GDP) penalty of 4 percent to 6 percent in 2028.⁶ Corroborating analysis suggests that if four key racial gaps for Black residents – wages, education, housing, and investment – had been closed 20 years ago, \$16 trillion could have been added to the U.S. economy. If the gaps are closed today, \$5 trillion can be added to U.S. GDP over the next five years.^{7,8}



⁴ Reducing the Racial Homeownership Gap, Urban Institute, [link](#).

⁵ Aditya Aladangady, Andrew C. Chang, and Jacob Krimmel, Greater Wealth, Greater Uncertainty: Changes in Racial Inequality in the Survey of Consumer Finances, Board of Governors of the Federal Reserve System (Oct. 18, 2023), [link](#)

⁶ Nick Noel, Duwain Pinder, Shelly Stewart, and Jason Wright, The economic impact of closing the racial wealth gap, McKinsey & Company (Aug. 13, 2019), [link](#)

⁷ <https://www.citigroup.com/global/insights/citigps/closing-the-racial-inequality-gaps-20200922>

⁸ Research also demonstrates the cost of segregation at the regional level in cities like Cleveland and Chicago. See [link 1](#) [link 2](#)

How to Communicate the Need for AFFH

Every year, there are more than four million incidents of housing discrimination.⁹ Black renters continue to pay more than White renters for the same units, and more in application fees and security deposits. People who are Black or Latino are likelier to be house-cost-burdened (for both rental and homeownership), making it more difficult to manage other necessities, such as food and transportation, and dampening their impact on the economy. Less than 10 percent of Black renters can afford the price of a typically priced home.¹⁰ This limits Black renters' ability to build wealth and create financial stability for themselves and their families and subjects them to potential housing instability, as well, with all the physical, social, economic, and psychological stress that entails.



⁹ Lindsay Augustine, Nikitra Bailey, Sherrill Brown, Scott Chang, Lisa Rice, and Morgan Williams, 2023 Fair Housing Trends Report: Advancing a Blueprint for Equity, National Fair Housing Alliance, August 2023, available at <https://nationalfairhousing.org/wp-content/uploads/2023/08/2023-Trends-Report-Final.pdf>.

¹⁰ More Americans Own Their Homes, but Black-White Homeownership Rate Gap is Biggest in a Decade, NAR Report Finds, <https://www.nar.realtor/newsroom/more-americans-own-their-homes-but-black-White-homeownership-rate-gap-is-biggest-in-a-decade-nar>.

II. Understanding Affirmatively Furthering Fair Housing (AFFH) and Fair Housing Planning

Importance of AFFH and Creating Inclusive Communities

AFFH helps create a society in which everyone can live in a neighborhood with ample affordable and accessible housing options, fresh air, clean water, good public transportation, living-wage jobs, quality healthcare, healthy food, and affordable credit. Research is clear that where children live and grow up is inextricably linked to their level of educational attainment, their relationship with policing and the criminal justice system, what jobs they can obtain as adults, how much wealth their family can attain, whether or not they will someday purchase their own home, whether or not they

will face chronic health conditions or other lifelong obstacles, and ultimately the opportunities they will be able to provide for their children and grandchildren.¹¹

Where a person lives impacts how their life unfolds. Fair housing planning can help ensure that all people – regardless of race, color, religion, national origin, sex (including sexual orientation and gender identity), family status, or disability – have a range of choices about where to live and that all neighborhoods are good places to live, regardless of who lives in the community.

Why is AFFH Good for Communities?

- ▶ **Builds the society we need**
- ▶ **Provides a tool for expanding opportunity and combating inequality**
- ▶ **Ensures no communities are left behind**
- ▶ **Promotes productivity and strengthens our economy**
- ▶ **Holds recipients of federal funding accountable for maintaining the public trust**

¹¹ Raj Chetty, Nathaniel Hendred, Lawrence Katz, The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment, Opportunity Insights (May 2015), [The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment](https://rajchetty.com/moving-to-opportunity-experiment/) | Opportunity Insights (rajchetty.com)

II. Understanding Affirmatively Furthering Fair Housing (AFFH) and Fair Housing Planning

Legal Framework: Fair Housing Act and Related Rules

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing and in other housing-related transactions based on race, color, religion, sex¹², familial status¹³, national origin, or disability¹⁴.

Two provisions of the Fair Housing Act set forth the duty of HUD and other federal agencies to affirmatively further fair housing. First, the Fair Housing Act requires that HUD administer “the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of the Act.”¹⁵ Second, the Fair Housing Act mandates that “[a]ll executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of [the Fair Housing Act].”¹⁶

Presidents have issued executive orders that have reaffirmed the purpose and broad scope of the affirmatively further fair housing provision. For example, in 1994, President Bill Clinton issued Executive Order 12982 “Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing,” which broadly describes the coverage of the AFFH provision as all “programs and activities operated,

administered or undertaken by the Federal government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions).”¹⁷

Likewise, courts have recognized repeatedly the extensive scope of the AFFH provision. “Every court that has considered the question” has held or stated that the affirmatively furthering fair housing provision imposes upon HUD and other federal agencies “an obligation to do more than simply refrain from discriminating (and from purposely aiding discrimination by others).”¹⁸ Instead, the AFFH obligation means that “[a]ction must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation...of racial groups whose lack of opportunities the Act was designed to combat.”¹⁹

In 2015, the U.S. Supreme Court reaffirmed one purpose of the Fair Housing Act when it explained that “much progress remains to be made in our Nation’s continuing struggle against racial isolation.... The Court acknowledges the Fair Housing Act’s continuing role in moving the nation toward a more integrated society.”²⁰

¹² HUD interprets the term “sex” to include gender identity, sexual orientation, and nonconformance with gender stereotypes. See Damon Y. Smith, Memorandum – Application to the Fair Housing Act of the Supreme Court’s decision in *Bostock v. Clayton County, GA*” (Feb. 9, 2021), available at <https://www.hud.gov/sites/dfiles/ENF/documents/Bostock%20Legal%20Memorandum%2002-09-2021.pdf>

¹³ “Familial status” is defined as one or more children who are under the age of 18 years being domiciled with a parent or guardian, the seeking of legal custody, or pregnancy. 42 U.S.C. § 3602(k).

¹⁴ The FHA was amended in 1988 to include people with “handicaps” as a protected class. “Disability” is more commonly used and accepted today.

¹⁵ 42 U.S.C. § 3608(e)(5). ¹⁶ 42 U.S.C. § 3608(d). ¹⁷ Exec. Order No. 12892, § 1-102.

¹⁸ *NAACP v. Sec’y of HUD*, 817 F.2d 149, 155 (1st Cir. 1987).

¹⁹ *Otero v. N.Y.C. Hous. Auth.*, 484 F.2d 1122, 1134 (2d Cir. 1973); see *Shannon v. United States Dep’t of Hous. & Urban Dev.*, 436 F.2d 809, 820 (3d Cir. 1970)

²⁰ *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015).

III. Key Components of Fair Housing Planning

This section outlines key components of the process for fair housing planning. It provides essential background and context for FHOs to consider when determining their potential role(s) in this process.



Timing

As a best practice, fair housing plans should be done in advance of other plans that HUD requires for other programs it administers: namely, the Consolidated Plan and PHA Plan. This timing ensures that the fair housing plan serves as a roadmap for the program participant to follow to make certain that it is affirmatively furthering fair housing in its housing and community development activities. The fair housing plan should identify key barriers to fair housing, set priorities as to which barriers will be tackled in the upcoming three- to five-year planning cycle, describe the strategies that will be used to address those priority barriers, set specific fair housing goals, and identify necessary resources for these efforts. Fair housing plans can help inform and shape the subsequent plans.

Program participants should conduct fair housing planning at least once every five years, consistent with their Consolidated Plan or PHA Plan cycles.

Community Engagement

Robust community engagement is an essential part of fair housing planning. Members of the community are in a unique position to provide perspectives on the impact of the fair housing issues facing the community. Their knowledge and lived experiences are important inputs into the fair housing plan, and program participants should take proactive steps to engage community members in the fair housing planning process. It is also important to make specialized efforts to ensure that communities that have been traditionally underserved and those with protected characteristics are included in the fair housing planning process as well. Entitlement jurisdictions, PHAs and any other HUD program participants, as applicable, should use the information gained through community engagement to set meaningful fair housing goals that can be expected to result in material positive change.

In other words, the goal of community engagement is to ensure that all community stakeholders have a seat at the table in the fair housing planning process, that the voices of those facing the greatest barriers to fair housing are heard and that their experiences and recommendations are factored into the fair housing plan. Stakeholders should play a role in identifying fair housing issues and setting fair housing goals to effectively achieve material positive change as set forth in the AFFH mandate.

III. Key Components of Fair Housing Planning

The community engagement process should involve a two-way flow of information between the decision-makers and community stakeholders. In addition to gathering information from stakeholders to identify barriers to fair housing, program participants should include stakeholders and elicit their feedback during subsequent stages of planning and goal-setting.

Key stakeholders include but are not limited to members of protected classes and organizations that represent them, as well as organizations involved in fair housing enforcement. Representatives of organizations that provide services to members of protected classes, underserved communities, and the community, in general, can also provide useful input, including those advocating for or engaged in affordable housing, community, and economic development, education, transportation, environmental justice, and health, along with religious, civic, and other organizations.

To make sure that community stakeholders have the necessary information about the fair housing planning process and the opportunities for stakeholder input, program participants should use communication methods designed to reach the broadest possible audience. They should make efforts to reach members of protected classes and underserved communities, and all aspects of their community engagement efforts must comply with relevant fair housing civil rights requirements. This means information must be provided in appropriate languages for people in the community who have limited English proficiency, and in formats accessible to people with disabilities.²¹

The meetings should be held in locations that are convenient to the public, physically accessible to people with disabilities, and should be held at various times of day to ensure that members of protected classes can provide input. Further, it is recommended that at least one meeting be held in an area with a disproportionate number of underserved residents.

While the fair housing plan is in effect, it is also helpful to engage the community periodically to get feedback about the effectiveness of the efforts to implement the goals of the plan, whether or not any adjustments to those goals are needed, and whether or not there has been any change in circumstances that would merit revisions to the plan, including the addition of new goals.

A summary of the program participant's community engagement activities and a description of how it addressed the comments received should be included in the fair housing plan. As a best practice, program participants should attach all surveys administered, written comments received, and transcripts or audio or video recordings of hearings held during the plan development stages.

²¹ See 29 U.S.C. §794, 42 U.S.C. §1437c-1(b), and 24 CFR Part 91- Consolidated Plan Revisions and Updates; Final Rule.

III. Key Components of Fair Housing Planning

Fair Housing Plan Contents

Program participants are strongly encouraged to conduct fair housing planning to identify fair housing issues and to develop fair housing goals and strategies that ultimately lead to material positive change. These fair housing goals should be designed and expected to overcome the identified fair housing issues and to advance equity based on protected characteristics in their geographic areas for their programs, services, and activities.

To identify fair housing issues in a community, it may be helpful to consider the following areas of analysis:

1. Segregation and integration
2. Racially and ethnically concentrated areas of poverty
3. Disparities in access to opportunity, including opportunities related to education, employment, transportation, low-poverty neighborhoods, and environmentally healthy neighborhoods
4. Inequitable access to affordable housing and homeownership opportunities
5. Laws, ordinances, policies, practices, and procedures that impede the provision of affordable housing in well-resourced areas of opportunity, including housing for people with disabilities
6. Inequitable distribution of local resources, which may include municipal services, community-based supportive services, and investments in infrastructure
7. Discrimination or violations of civil rights laws or rules related to housing or access to community assets based on race or other protected characteristics

Fair housing planning involves an analysis of a program participant's programs, policies, practices, and procedures, as well as patterns in the private sector, to assess their impact on fair housing choice. This typically involves:

- ▶ A comprehensive review of a program participant's laws; regulations; and administrative policies, procedures, and/or practices.
- ▶ An assessment of how those laws; regulations; and administrative policies, procedures, and/or practices affect patterns of segregation and disparities in access to opportunity. For example, how do zoning and land use or siting decisions affect the location, availability, and accessibility of affordable housing?
- ▶ An assessment of conditions, both public and private, affecting fair housing choice for all protected classes.
- ▶ Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices.

² Affirmatively Furthering Fair Housing, 88 Fed. Reg. 8529, 8557 (proposed Feb. 9, 2023) (to be codified 24 C.F.R. § 5.170).

³ See Government Accountability Office Report, Housing and Community Grants: HUD Need to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans, (Sept. 14, 2010), available at <https://www.gao.gov/products/gao-10-905>.

III. Key Components of Fair Housing Planning

Fair Housing Goals

As part of their mandate to affirmatively further fair housing, program participants must take meaningful action, which can be achieved by setting goals that address the fair housing issues identified through the fair housing plan. Fair housing goals may be short-term or long-term but must be designed to overcome identified fair housing issues. Goals should be drafted so they can be reasonably expected to result in material positive change and be consistent with a balanced approach. Fair housing goals must not result in policies or practices that discriminate in violation of the Fair Housing Act or other federal civil rights laws.

Program participants may not have authority or influence over all fair housing issues within their communities, and they should take their spheres of authority into account in setting goals. At the same time, as a best practice, program participants should work with other entities that have the necessary control to achieve fair housing outcomes.

Public Comments and Publication of the Fair Housing Plan

Program participants should hold public hearings and a public comment period to elicit feedback on their draft fair housing plan to make sure that a fair housing plan adequately addresses fair housing issues that exist within a community. Once the fair housing plan is finalized, it is a best practice for program participants to provide progress updates on their official websites.

TIP ON FAIR HOUSING PLAN GOALS:

The goals should not require residents of racially or ethnically concentrated areas of poverty to move away from the neighborhoods of their choice. Notably, effective fair housing planning includes robust community development as well as mobility.

Submitting the Fair Housing Plan to HUD

Program participants are encouraged to submit the final plan to HUD for review and feedback. HUD's guidance can be helpful to ensure that a program participant's goals reflect the fair housing issues identified in the fair housing plan.

III. Key Components of Fair Housing Planning

Connecting the Fair Housing Plan to Other Plans

Program participants should include strategies and meaningful actions to achieve the fair housing goals set in their fair housing plans in their Consolidated Plans, Annual Action Plans, and PHA Plans, as these other plans will address many of the strategies and resources needed to implement their fair housing goals. In addition, it is recommended that in their fair housing plans, program participants identify, by program year, the amount of HUD or other funding they expect to allocate to implement each fair housing goal (if funding is necessary).

As part of their subsequent plans, program participants also must certify to HUD that they will take meaningful actions to implement the goals of their fair housing plans and will take no actions materially inconsistent with their AFFH obligations. Meaningful actions mean significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.

TIP ON FAIR HOUSING PLAN GOALS:

By incorporating fair housing goals, strategies, and actions into subsequent planning documents, program participants will be better positioned to build equity and fairness into their decision-making processes for the use of resources and other investments, live up to the commitments they have made in fair housing plans, and ultimately fulfill their obligations to affirmatively further fair housing.

III. Key Components of Fair Housing Planning

Touch Points for Fair Housing Organizations in the Fair Housing Planning Process

Below are some of the points in the fair housing planning process where, depending on their resources and capacity, FHOs can play an important part to ensure development of a plan that includes meaningful actions to affirmatively further fair housing.

Pre-Planning Touch Points

Set the tone for the fair housing planning process with the community on why a person's zip code should not determine their life outcomes. Conduct outreach to explain AFFH and the planning process; share data and initial findings; and encourage community members to share insights, information, and input.

Advocate for robust community engagement. Where we live is more than just an address. Encourage best practices in community engagement, including effective techniques for including diverse stakeholders, publishing the draft fair housing plan for comment, seeking feedback from the public, and revising the plan as needed based on public comment.

Encourage collaboration. Leverage your relationships with program participants to encourage collaboration in fair housing planning, as appropriate. Fair housing issues may involve multiple program participants, and a collaborative approach may be the most effective way to identify and address them.

Plan Drafting Touch Points

Leverage Your fair housing expertise. Gather and analyze information from your complaints, testing, outreach activities and other research, as well as from HUD and other sources. Based on analysis and community input, help identify key fair housing issues.

Advocate for meaningful action. Propose goals to address the fair housing issues identified, including timelines, metrics, funding amounts & sources, if needed. Identify and propose strategies to achieve those goals so that everyone can live in a well-resourced community.

Advocate for expert input. Encourage program participants to seek input into their fair housing plans from FHIPs, FHAPs, groups representing protected classes and other subject matter experts and to submit their draft plans to HUD for review and feedback.

Implementation Touch Points

Evaluate the fair housing plan and actions taken to affirmatively further fair housing. At end of the plan period, assess progress made and provide feedback to program participants. Encourage program participants to incorporate findings into subsequent fair housing plans.

Monitor implementation. Review Consolidated Plans, Annual Action Plans and PHA Plans and advocate for fair housing goals and strategies to be incorporated to ensure meaningful actions are taken toward a flourishing, inclusive community. Do the same for plans dealing with related issues such as transportation, the environment, jobs, education, health, and the like. Monitor implementation and annual progress made and advocate for changes to goals, if needed.

IV. Roles for Fair Housing Organizations

FHOs can play a variety of roles in the fair housing planning process. For example, they can use their expertise to enhance HUD program participants' engagement in meeting their AFFH obligations. FHOs can leverage their own capacity and connections, as well as other pre-existing relationships to aid program participants' own community engagement activities, helping ensure that diverse perspectives inform both the planning process itself and monitoring of the plan's implementation. FHOs can also play a significant role in assisting with and even facilitating fair housing planning efforts. Additionally, FHOs are a critical source of data and other information relevant to fair housing planning as they often have additional fair housing or other data pertinent to informing a fair housing plan or may more fully understand how to analyze issues from a fair housing perspective. Because FHOs often have relationships with multiple neighboring/regional program participants, they are well-positioned to support regional collaboration, as well as collaboration between entitlement jurisdictions and PHAs.

Engaging Communities

By harnessing diverse perspectives and fostering inclusive participation of protected class groups, community engagement ensures equitable outcomes, accountability, and transparency in fair housing initiatives. FHOs can play a critical role in engaging a broad range of community stakeholders. Robust community engagement is essential for any successful fair housing planning process. Community engagement is a solicitation of views and recommendations from members of the community and other interested parties, consideration of the views and recommendations received, and a process for incorporating such views and recommendations into planning processes, decisions, and outcomes. This section underscores the necessity, benefits, and best practices related to community engagement in the

1. Benefits of Strong Community Engagement

Robust and strategic community engagement ensures that the communities that could benefit most from a fair housing planning effort have a say in designing, building support for, and driving solutions outlined in the fair housing plan. When implemented well, strong community engagement ensures that a fair housing plan includes practical measures to foster equitable outcomes and more inclusive communities.

Program participants that have undertaken fair housing planning report that community engagement is an extremely effective and important part of identifying fair housing issues and figuring out how best to prioritize and address them. Community engagement that allows a variety of perspectives is crucial to ensure the success of any strategies or programs adopted in the fair housing plan.

Quantitative and qualitative data capturing local knowledge and the realities experienced by community residents are essential inputs to fair housing plan development. Because data are not available to identify or quantify every barrier to fair housing, the lived experiences of community stakeholders can be crucial for identifying barriers that may not be evident from the available data. Including these inputs from underserved communities and protected classes ensures that program participants have a more holistic understanding of fair housing barriers and the solutions that will most effectively overcome them.

Community engagement also increases accountability and transparency around the development and implementation of the fair housing planning process. Holding a diverse range of community engagement opportunities offers Fair Housing Initiatives Program (FHIP) organizations, Fair Housing Assistance Program (FHAP) organizations, housing advocates, and other members of the public the opportunity to elevate key fair housing issues that may be overlooked otherwise.

IV. Roles for Fair Housing Organizations

2. Best Practices When Engaging Communities

FHOs can play a key role in supporting the fair housing planning process. For example, FHOs often have specialized expertise and pre-existing relationships with community organizations and stakeholders and can leverage those by facilitating and even recruiting community members to participate in the community engagement process. FHOs should carefully consider with whom they engage and how best to approach that engagement.

Who Should Be Engaged in the Fair Housing Planning Process? For a fair housing plan to adequately address fair housing needs within a jurisdiction, it is important that a wide range of perspectives from the community is included during the development of the plan. Therefore, it is beneficial to include as many members of the community as possible, including underserved communities and members of protected classes, in the community engagement events and fair housing planning process.

While FHOs often have strong connections to groups representing all the protected classes in their areas, it can be helpful to research and identify existing organizations, collaboratives, coalitions, or networks that represent protected class groups in the jurisdiction, including:

- ▶ **Organizations representing people of a specific race or ethnicity.** These may include the local Urban League, NAACP chapters, and organizations that are affiliates of UnidosUS and National CAPACD.
- ▶ **Faith-based organizations.** Leaders of congregations at churches, mosques, synagogues, temples, and other places of worship are also great ways to connect with members of protected classes.

- ▶ **Family and child-focused organizations and institutions.** There are usually several organizations that provide services for or are working toward better outcomes for families with children, including education programs and social services. This could also mean connecting with principals or other educators.
- ▶ **Case managers and social workers.** Case managers and social workers working at public agencies or in the community through other institutions can offer helpful and holistic insights.
- ▶ **Organizations representing people with disabilities.** Centers for Independent Living and local chapters or affiliates of AARP, for example, can help engage and represent the interests of people with disabilities.
- ▶ **Local chapters of real estate groups.** Real estate agents who work primarily with protected classes are often members of local chapters of organizations like the National Association of Real Estate Brokers, the National Association of Hispanic Real Estate Professionals, the Asian Real Estate Association, and the LGBTQ+ Real Estate Alliance.
- ▶ **PHA staff, HCV holders, and public housing residents.** Whether the FHO is contributing to the AFFH process for a PHA or an entitlement jurisdiction, these groups may offer helpful perspectives on challenges with source of income, among other topics.

It is also essential to engage public agencies and private organizations involved in efforts to advance work in education, transportation, environmental justice, and climate change, as well as those leading economic and community development efforts. See the section below (“Decoding and Interpreting AFFH for Community Stakeholders”) to learn strategies to communicate with these groups to link their goals and priorities with fair housing objectives.

IV. Roles for Fair Housing Organizations

SIDEBAR

When the City of New Orleans and the Housing Authority of New Orleans were conducting their joint Assessment of Fair Housing (AFH) in 2016, an FHO in Louisiana played an active role in getting the community involved in the process. The FHO reached out to a wide range of its existing partners to request their participation. These partners worked on issues related to tenants' rights (including residents of publicly assisted housing), disability rights, workers' rights, environmental justice, transit equity, public health, the rights of formerly incarcerated people, immigrant communities (including people with limited English proficiency), affordable housing, and community development, among others. The FHO kicked off its efforts with a capacity-building session to help its partners understand the history of segregation and discrimination in New Orleans and its ongoing impact on local communities, the AFFH mandate and the fair housing planning process, and how participation in the AFH process would provide these groups with an opportunity to elevate their issues – all of which were related to where people live – in the city's and housing authority's decisions about how and where to target their resources. Recognizing the resource constraints of small organizations with small staffs and limited budgets, the FHO used a foundation grant to offer its partners small grants (\$2,500 each) to help make their participation in the fair housing planning process possible. All these groups weighed in on the draft AFH, resulting in input from a wider range of community stakeholders than ever before. Additionally, the FHO was at the table when the city and housing authority drafted their goals, ensuring that community voices were incorporated.

Effective Community Engagement Methods

Public meetings must be planned to be inclusive and purposeful. As a best practice, there should be several meetings held at multiple locations on different days at different times, taking care to include historically underserved communities and those with protected characteristics. The events should be held in places that are physically accessible, and there should be measures taken, such as using a sign language interpreter, closed captioning, or other services to ensure maximum participation for people with disabilities. Additionally, if there are areas where the population has a predominance or a high percentage of people with limited English proficiency, it can be beneficial to host a meeting in other predominant languages.

IV. Roles for Fair Housing Organizations

TIPS ON HOW TO HOLD INCLUSIVE COMMUNITY MEETINGS:

- ▶ Produce flyers, agendas, and other meeting materials in several commonly spoken languages and formats accessible to people with disabilities.
- ▶ To accommodate full-time workers' participation, meetings should be held at various times of day, including evenings and/or weekends.
- ▶ Secure translators and/or sign language interpreters for public meetings.
- ▶ When securing a space for any public events, ensure accessibility, both in terms of access for people with disabilities and proximity to transit.
- ▶ Employ hybrid or all-virtual options so that people with mobility challenges, people with disabilities, people who lack reliable transportation, and/or people with caregiving duties who may not be able to attend events in person have meaningful opportunities for input and engagement.
- ▶ Consider providing childcare at evening meetings and events.
- ▶ Consider offering meals or refreshments.
- ▶ Consider offering transportation to and from community meetings to connect to community hubs and/or places where underserved populations live.
- ▶ Consider offering incentives such as gift cards or other compensation for participation.
- ▶ Consider co-facilitating meetings with community leaders, including artists, poets, actors, and other creatives who can add an engaging element to the event.

SIDEBAR

Recognizing that people with busy lives may face barriers to participating in public meetings, some FHOs have found ways to make those meetings more appealing. They may organize transportation for those who need it, provide meals and childcare, include music, performances by poets or other entertainment, and offer small gift cards to community residents who attend. And of course, they make sure that the meetings are held outside of regular work hours at locations that are readily accessible.

IV. Roles for Fair Housing Organizations

In addition to public meetings, the following list offers effective ways to ensure meaningful participation:

- ▶ Hold one-on-one interviews with trusted community leaders and other stakeholders.
- ▶ Canvas neighborhoods where protected classes and other underserved communities work and live.
- ▶ Build relationships with local residents, including residents of underserved communities and residents from protected class groups, to conduct surveys and outreach.
- ▶ Hold facilitated focus groups with small groups of participants.
- ▶ Ask to be included on the agendas of existing community meetings on related topics and issues.
- ▶ Set up a booth or table at a community event, farmers' market, transit hub, or other formal or informal gathering spaces.
- ▶ Assemble community exhibits with visual information displays and opportunities to interact and contribute, engaging community artists if possible.
- ▶ Create a survey that can be used online or in print and can be circulated in community newsletters, online forums, during canvassing activities, and on social media.

As with public meetings, it is important to have virtual or hybrid options for these efforts to overcome any physical barriers to participation. To make sure that people with certain disabilities can participate, virtual or hybrid events must have Communication Access Realtime Translation services or closed captioning, as well as a sign language interpreter.

SIDEBAR

Some FHOs have found it particularly useful to conduct one-on-one interviews with community leaders and experts on specific issues. This provides an

opportunity to delve deeply into those subjects with people who have extensive knowledge and experience and gain insights into the ways those issues play out in their communities. They may also be able to identify cross-cutting themes and barriers faced by members of different protected classes. These interviews can yield substantive input that complements – and may not always result from – broader community engagement strategies.

Understand Existing Engagement. Before getting too far down the path of planning community engagement methods, it is helpful to converse with community leaders to get a sense of what has happened before this fair housing planning process and find out what if any pre-existing relationships between the program participant and other organizations can be leveraged for this planning process. In addition, it is important to discuss which methods of outreach have been successful in the past and which previous methods could be improved upon.

Questions to ask a program participant:

- ▶ Which other organizations have been asked to participate in this planning process?
- ▶ Which outreach methods have you used in developing previous fair housing plans?
- ▶ Which methods proved to be effective previously?
- ▶ Which methods were not particularly effective?
- ▶ Why do you think they were less effective than others?
- ▶ Which new engagement methods do you wish to use during this planning process?
- ▶ Are there certain populations that you feel existing outreach methods are still missing?

IV. Roles for Fair Housing Organizations

SIDEBAR

To avoid overloading community members with too many requests to participate in public meetings, many FHOs reverse the process and ask to participate in the meetings of their partner organizations when relevant issues are on the agendas for those meetings. The FHOs go to where their partners are at times that are convenient for those partners and use the opportunity to talk about fair housing planning and how it can help advance their partners' existing priorities.

Share Back Outcomes. Whether hosting a public meeting or undertaking one of the alternative approaches to gathering community input, it is important to map out both the fair housing planning process in general and the community engagement process, describe how this will be a conversation that continues over several months, explain how the planning process administrators will use the data results, and eventually share the outcomes with those who participated in the process. It is important to tell stakeholders that their participation is entirely voluntary. This orientation and accompanying feedback loop are vital steps in building trust with community members and ensuring transparency in the fair housing planning process.

SIDEBAR

Some FHOs make a point of circling back to the community stakeholders they helped engage once the fair housing plan is drafted. They report on how the comments offered by those stakeholders helped shape the plan and what the expected outcomes will be. This feedback loop helps stakeholders understand their impact and how their participation in what may have been an unfamiliar process has yielded tangible results. By doing so, the FHOs demonstrate respect for the time and effort that stakeholders put into the process and provide encouragement for them to do so again in the future.

Identifying Allies for Community

Engagement. Truly inclusive community engagement efforts require the help of allies who provide not only knowledge and insight into effective strategies but also valuable information about whom else to consult. Such allies can increase an FHO's legitimacy with key audiences and boost its capacity to conduct meaningful community engagement.

When engagement is done well, and the entire community is collectively involved, a fair housing plan can be comprehensive and will identify and address the fair housing issues affecting the community altogether.

FHOs can help bridge the knowledge gap and educate the community and stakeholders about ways to improve the housing landscape and establish a working relationship and trust. FHOs can also explain how the fair housing planning process and development of fair housing plans require the establishment of fair housing goals, which when implemented correctly, should lead to material positive change.

FHOs can facilitate the working relationship or collaborative partnership between the community, stakeholders, and the program participant(s) to establish the tangible actions each group can make to support the fair housing planning process. For example, FHOs can connect the different parties and assemble one or more advisory committees or working groups to formalize the shared commitment to the process. These can provide structure and a regular cadence of engagement to ensure robust participation and a means to delegate the development of parts of the plan to those with the greatest experience and expertise.

Established partnerships, whether formally involved or not, can also recruit their networks and neighbors to attend public meetings, complete surveys, offer testimonies, or otherwise engage in the fair housing planning process.

IV. Roles for Fair Housing Organizations

Decoding and Interpreting AFFH for Community Stakeholders. For most stakeholders, AFFH will be an unknown term and may seem like a complicated concept. However, ensuring everyone has access to a safe and affordable home in a place that offers them all the amenities they need to thrive is a concept that community stakeholders understand.

With most audiences, messaging on this process can begin with the concept of housing choice and the fact that where a person lives impacts various aspects of one's daily life and future. Let audiences know that we are collectively looking to achieve equitable access to housing choices for everyone in the community.

It can also be helpful to explain the history of discrimination in our nation and how these forces have affected the local community. That history can then be tied to the present-day outcomes in the jurisdiction – often this means pointing out that the amenities available to someone based on where that person lives are often tied to one's race or other protected-class status.

When conducting outreach to protected classes and underserved communities, it is important to emphasize that this process centers on ensuring that everyone's voice within the community is heard, particularly those who have been most affected by housing discrimination and long-term disinvestment, to ensure that resources flow to their communities and align with their priorities. Once the overarching goals of the process are outlined and an explanation for why the community perspective is essential is provided, FHOs should explain the background of who must affirmatively further fair housing. As with any long-term process, it can also be helpful to break the fair housing planning process into smaller pieces and identify the current stage of the process, enabling stakeholders to envision how their input will influence the priorities included in the final fair housing plan. This level setting is important because it establishes clear expectations around the outcomes of this entire process.

TIP ON DECODING AFFH: USE VIDEO RESOURCES

To make the history and impact of U.S. housing segregation less abstract, FHOs should consider using existing video resources. These videos might include documentaries or educational materials that vividly illustrate the effects of segregation on communities. For instance, they might show how certain neighborhoods were systematically excluded from investment, leading to disparities in education, healthcare, and economic opportunities.

IV. Roles for Fair Housing Organizations

Resource	Description
<p><u>Expanding Opportunity for All (Messaging Memo)</u></p>	<p>This National Fair Housing Alliance memo provides topline messaging around AFFH and can serve as a helpful resource for explaining the benefits of engaging in the fair housing planning process to various audiences.</p>
<p><u>“Where You Live Matters” Interactive</u></p>	<p>This interactive diagram from the National Fair Housing Alliance provides helpful language and key statistics that explain the connections between housing, where one lives, and a variety of aspects of one’s life, including access to credit, climate, digital equity, education, health food, healthcare, environment, living wage jobs, transportation, civic participation, and wealth building.</p>
<p><u>Dismantling the Narratives that Constrain Public Support for Fair Housing</u></p>	<p>This article by Dr. Tiffany Manuel in the Journal of Affordable Housing outlined the need to reframe messaging to build public will in support for AFFH.</p>
<p><u>“You Don’t Have to Live Here” - Why Housing Messages Are Backfiring and 10 Things We Can Do About It</u></p>	<p>This publication from Enterprise and the Frameworks Institute provides evidence-based messaging recommendations that can be used when advocating for and communicating about affordable housing and community development.</p>
<p><u>Talking About HUD’s Affirmatively Furthering Fair Housing Rules</u></p>	<p>Throughout the engagement process, FHOs and agencies may encounter questions, challenges, and opposition to the process. This guidance developed by the Opportunity Agenda before the release of the 2015 AFFH rule contains sample messaging and frequently asked questions that may help navigate communication with various audiences.</p>

IV. Roles for Fair Housing Organizations

As mentioned above, the concept that where a person lives dictates that person's access to things like public transportation, high-quality schools, clean air, green spaces, financial institutions, and healthy food can be used to connect the dots between the priorities of other sectors and the fair housing planning process.



3. Connecting the Fair Housing Plan to Needs and Goals Beyond Housing

Many sectors can be connected using this concept, but sectors that often engage with AFFH include:

- ▶ Public health
- ▶ Education
- ▶ Small business/economic development
- ▶ Employment
- ▶ Banking and financial services
- ▶ Parks and recreation
- ▶ Environment and climate
- ▶ Housing industry
- ▶ Transportation
- ▶ Supportive services

One way to engage these various sectors is to form working groups centered on these sectors or hold topic-specific meetings, where the focus of the input will be on the connections between one or two of these issue areas and fair housing.

Another effective approach is to identify existing housing and community development initiatives or plans – either at the state, regional, jurisdictional, or community level – which may be developed and incorporated into a fair housing plan. For example, a housing development plan anchored by a community corporation and residents may be an easy place to spot aligned goals around affordable housing or economic development.

Jurisdictional-level or local plans can also offer an opportunity to mobilize partners in other sectors with similar goals, as those plans may include housing or community-development-related strategies. For example, hospitals and health systems in any given jurisdiction likely have several planning processes that center on health equity and often serve many of the same populations that are the focus of AFFH efforts. Community health needs assessments completed by hospitals, public health assessments, and state-level Medicaid health plans are some examples of plans mandated in the health sector that may align with fair housing plans.

TIP FOR EMPOWERING STAKEHOLDERS:

Whether you are recruiting allies, looking to attract underrepresented groups of residents, or making the case to advocates in parallel sectors, competing priority areas are likely to be identified through this process, given the range of issue areas that intersect around housing and community development. Stakeholders must understand that, through these community engagement opportunities, they have the power to influence which of these priorities rise to the top.

Plans in the climate and environment space can also be a resource when seeking points of intersection with additional stakeholders. For example, a climate action plan (CAP) is an evidence-based roadmap that outlines how a jurisdiction will reduce greenhouse gas emissions. CAPs may be required at the state level or voluntarily developed at the local or regional level.

IV. Roles for Fair Housing Organizations

CAPs often contain goals and strategies related to issues that intersect with fair housing planning, such as transportation, land use and zoning, and commitments to equity.

Many neighborhoods develop neighborhood or community plans that focus on the goals of one area. Often, these are created when residents come together with other stakeholders to focus on their community development priorities. Such plans may already be in place in underserved communities where other federal, state, local, or philanthropic place-based investments have been made. These plans often have housing and community-development-related goals, including revitalizing aging or dilapidated housing units, creating more green space, creating community programming around health or education, supporting a thriving business corridor, or building more affordable housing units.

Also, it is important to note that all federal funds being deployed for a housing or community development purpose – whether from HUD or another agency – are subject to the mandate to affirmatively further fair housing. For example, the federal government recently made large investments through the Department of Energy and the Environmental Protection Agency in communities across the country for infrastructure improvements and greenhouse gas reduction. Because these funds may be used for housing and community development purposes, entities receiving and deploying these investments are required to affirmatively further fair housing. Because of this requirement, entities from other sectors that receive funds from other federal agencies may need to be educated about AFFH and may also be more interested in participating in the fair housing planning process.



IV. Roles for Fair Housing Organizations

Helpful Resources for Community Engagement:

Resource	Description
<u>Community Participation in Fair Housing Planning</u>	This module from HUD's Fair Housing Planning Toolkit offers information about who needs to be involved in fair housing planning, outlines some best practices for this engagement, and provides insight into the benefits of community participation.
<u>International Association of Public Participation's Practitioner Tools</u>	This page includes helpful resources from the International Association of Public Participation, including a <u>spectrum of public engagement</u> that can be useful when determining and evaluating a strategy around community engagement and participatory decision-making.
<u>Community Engagement Toolkit</u>	This toolkit, developed by the Collective Impact Forum, shares tools for planning equitable, transparent, and strategic community engagement.
<u>Trauma Informed Community Engagement Toolkit</u>	Created through a collaboration between Impact and New Kensington Community Development Corporation, this toolkit provides information on trauma and its effects and offers tools to build resilience and increase emotional intelligence.
<u>From Silos to Collaboration: Building a Health Partner Investment Strategy</u>	This toolkit developed by the Center for Community Investment and NeighborWorks America provides a helpful overview of health systems and contains several worksheets and charts to help navigate partnerships between health institutions and affordable housing.
<u>State and Local Policy Database</u>	The American Council for an Energy-Efficient Economy houses an online State and Local Policy Database that can help identify climate-related efforts in jurisdictions.
<u>Fostering Social Connections and Trust in Public Housing</u>	This profile from the Prevention Institute provides some insights into community engagement, specifically with public housing residents.

IV. Roles for Fair Housing Organizations

Planning Support

FHOs have the potential to contribute significantly to the fair housing planning process. That support may take various forms, either formal (as through a contract or other formal agreement with a program participant) or informal, as described below. Before signing a contract or entering any formal arrangement with a program participant to provide planning support, the FHO should evaluate its readiness, capacity, and available resources to take on the work within the required time frame.

This guide offers tailored suggestions for organizations at various levels of capacity:

1. FHOs with little to no capacity to assist in fair housing planning
2. FHOs with limited capacity, perhaps connecting this work to other grant commitments or existing funding for related work
3. FHOs with dedicated staff members assigned to research, policy analysis, organizing, education and outreach, or other related tasks

The choice of role should align with the organization's capacity. Most FHOs receive funding from HUD or other private sources for fair housing enforcement, education, or outreach activities. With proper planning, it may be possible to coordinate these activities with the fair housing planning efforts of the program participants the FHO collaborates with.

Community engagement. FHOs can play a critical role in assisting with community engagement, as outlined in the preceding section, which describes strategies and best practices.

Data analysis and research. Another way that FHOs can contribute to fair housing planning is through data analysis and research. This involves several types of data analysis, some of which demand expertise in statistics and mapping techniques – skills that may vary among FHOs. HUD provides considerable data about the demographics, assisted housing units, locations, resident demographics, and other data that are helpful for the fair housing plan. HUD also provides an AFFH data and mapping tool that enables users to display and analyze data geographically. However, other data points will also be important to incorporate into the analysis: additional U.S. Census data, Home Mortgage Disclosure Act data, and environmental data, just to name a few. As a best practice, merely reporting the data is not adequate for fair housing planning purposes. The data must be viewed and interpreted through a fair housing lens to identify the data points that are relevant and to provide the context necessary to draw the appropriate conclusions from the data analysis.

FHOs may be able to undertake some or all the steps necessary to identify and obtain the data needed for the fair housing plan, analyze the data effectively, create maps or other visual displays to help the public understand the data's importance, and draft the analysis that will be incorporated into the fair housing plan itself. Because this kind of research may be needed for various grant applications or to support enforcement actions, some FHOs may have the internal capacity to undertake this work.

In some cases, FHOs may have additional research on hand or be able to conduct research that would further illuminate important aspects of local conditions. For example, FHOs may be able to conduct or already have conducted audits to identify whether or not and to what extent certain practices are being used in the community that are either prohibited or that have a disparate impact on members of protected classes.

IV. Roles for Fair Housing Organizations

Examples might be the use of criminal background checks, refusal to rent to families with children, and refusal to accept certain sources of income. Such research could help surface issues that could not be identified using existing data sources.

FHOs may also have the capacity to analyze a program participant's policies and practices to identify any implications they may have for fair housing. For example, an FHO might review a program participant's zoning ordinance or other land use controls for provisions that perpetuate segregation or restrict the location of certain types of housing. Or it might review a PHA's policies regarding reasonable accommodations or reasonable modifications for people with disabilities. FHOs with significant research capacity, including some FHAP agencies, may be able to conduct research on issues that intersect with housing and thus come under the AFFH umbrella, such as programs, policies, or practices related to education, employment, transportation, or other matters. Such research could be a beneficial addition to a program participant's analysis for its fair housing plan.

FHOs may also have the skills and experience to conduct qualitative research for a fair housing plan, such as interviewing community leaders about specific issues or surveying the community more broadly about potential fair housing issues. The skills needed to conduct complaint intakes, frame relevant information for outreach and education purposes, analyze test results, and similar activities may translate well to the kinds of qualitative research that could support a fair housing planning effort.

Identifying fair housing issues. FHOs are particularly well-positioned to identify fair housing issues regarding the program participant. Many FHOs learn about such issues through their complaint intakes and their education and outreach activities. If an FHO receives HUD funding for these activities, it is likely to

have identified key fair housing issues in the "Needs" section of the grant application. Thus, FHOs may bring considerable experience and important context and framing to identify fair housing issues that program participants may not have in house. For example, many program participants struggle to distinguish fair housing issues from other issues such as affordable housing needs or landlord/tenant disputes. FHOs excel in both tasks and are adept at pinpointing fair housing issues amid the broader challenges of housing access, landlord/tenant relations, and the like.

Identifying strategies to overcome fair housing issues. FHOs can also contribute to fair housing planning by identifying strategies to address fair housing issues and by assisting the program participant in establishing meaningful goals. Depending on the issues identified, FHOs may draw on remedies that they or other FHOs have developed for settlements in relevant cases. Their contacts with others in the fair housing field may be a source of effective strategies deployed elsewhere for similar issues. Moreover, their fair housing expertise may enable them to recommend modifications, where necessary, to various strategies identified to increase their effectiveness. For example, if disparities in access to homeownership are identified as a priority fair housing issue, and a down payment assistance program is suggested as a strategy to overcome this issue, an FHO may recommend adopting a program that is targeted to first-generation homebuyers, who lack access to the generational wealth that many whose parents are homeowners can tap into for a down payment. Such a program modification may be more effective at overcoming the lasting impacts of past and continuing discriminatory practices in home sales and financing. FHOs have unique insight on which programs would best suit the needs of the communities they serve.

IV. Roles for Fair Housing Organizations

Providing data/information relevant to fair housing planning. As mentioned above, FHOs typically possess valuable information that can aid program participants in developing their fair housing plans. Regardless of their capacity to take on other tasks related to fair housing planning, every FHO should have data on the complaints it has received; the investigations and/or audits it has completed; enforcement actions it has brought; and insights on the effects of housing discrimination, segregation, and inequitable access to community assets that it has obtained during its education and outreach events.

SIDEBAR

An FHO in Ohio analyzed exclusionary provisions in local zoning codes. It shared that analysis with the program participant, which included goals in its fair housing plan to address those provisions. Another FHO in Ohio was able to obtain local eviction data from the municipal court and partnered with a local university to analyze the data. It was able to pinpoint geographic areas in which evictions were concentrated and identify the landlords responsible for the largest number of evictions. It also tried to determine whether or not tenants had legal representation and could have had defenses against eviction. The FHO shared this analysis with the city, which included the information in its fair housing plan and made policy changes to address the problem.

FHOs should be able to extract relevant fair housing activity data from routine grant reports and provide it to the jurisdiction. Any personal or otherwise sensitive information should be redacted to protect clients' privacy and maintain the community's trust. If possible, FHOs should specify the geographic area from which the information is sourced, focusing on the jurisdiction completing the fair housing plan.

FHOs with more capacity may be able to submit comments that provide additional context along with the data or other information they provide. This may include narratives that contextualize testing results or provide insights from recent discussions on fair housing issues.

If the FHO has a grant requirement or funding to support fair housing planning, it may proactively gather information on housing discrimination and segregation before the planning process begins. The organization should track issues reported by clients, conduct relevant research, and determine if these issues impede fair housing. For instance, if complaints indicate discrimination against families with children, research into zoning laws and occupancy standards can reveal systemic barriers to housing choice those families face.

Regardless of when or how the program participant receives information, the FHO should monitor its work in the area noting issues raised by clients and conducting relevant research. Even if the program participant declines to include the FHO's analysis in its fair housing plan, it must seek community feedback on the plan, and this provides an opportunity for the FHO to contribute insights on information included or omitted from the plan and propose solutions to identified fair housing issues.

V. Resources to Support Fair Housing Planning

Supporting Regional Collaborations

Fair housing issues not only cross multiple sectors – including housing, education, transportation, and commercial and economic development – these issues are often not constrained by political or geographic boundaries. Collaborative regional planning can be a useful approach to coordinate solutions for overcoming identified fair housing issues. To that end, HUD encourages local and regional collaboration on fair housing plans. Entitlement jurisdictions are encouraged to collaborate with PHAs and with other entitlement jurisdictions in the region. For example, one city may identify segregation as a fair housing issue because members of a particular racial or ethnic group live in only one part of the city. The city may identify the location and type of affordable housing as being related to this issue because the only affordable housing in the jurisdiction and the region is in that part of the city. A viable fair housing goal may require a regional approach and collaboration with the local PHA. For instance, this city may seek to coordinate with a neighboring jurisdiction to ensure strategic siting of future affordable housing units to promote integration throughout the region and might work with the PHA on a voucher mobility program. In this example, collaboration would enable the region to respond to identified fair housing issues, plan to meet each community's housing needs and ensure affordable housing is built in a variety of communities and mitigate the concentration of affordable units.

While FHOs cannot compel entitlement jurisdictions to form collaborations, they can advocate for them. Often, given that the service area of an FHO includes more than one program participant, the FHO may be more aware of fair housing issues that stretch across geographic boundaries and be best positioned to advocate for collaboration. FHOs will likely also have pre-existing relationships with neighboring jurisdictions that can be leveraged to facilitate the collaboration among neighboring entitlement jurisdictions.

Resources to Support Fair Housing Planning

Engaging in the fair housing planning process can be a time-consuming but rewarding endeavor. Here are funding sources to support an organization's participation:

► **HUD Fair Housing Initiatives Program (FHIP):**

FHIP offers grants for activities like education and outreach related to fair housing, which can indirectly support participation in AFFH. Learn more by visiting: https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHIP.

► **State and Local Funding:** Many states and localities offer grants or funding opportunities specifically focused on fair housing or community development. Research funding opportunities come through the state or local housing department. Entitlement jurisdictions can use Community Development Block Grant funds to conduct fair housing planning, and PHAs may use their operating funds.

► **Philanthropic Organizations:** Foundations dedicated to fair housing or social justice issues may offer grants to support fair housing advocacy efforts.

Beyond financial resources, several organizations offer valuable support for FHOs participating in AFFH:

► **National Fair Housing Alliance:** Provides technical assistance, training, and resources on fair housing issues, including AFFH. Learn more by visiting: <https://nationalfairhousing.org/>.

► **PolicyLink:** A research and action institute that offers resources and guidance on fair housing and community development. Learn more by visiting: <https://www.policylink.org/>.

► **Lawyers' Committee for Civil Rights Under Law:** Provides legal expertise and advocacy support related to fair housing. Learn more by visiting: <https://www.lawyerscommittee.org/>.

► **Other FHOs:** Collaborate with local and national FHOs to share information, strategies, and best practices.

VI. Role of FHOs in AFFH Enforcement

Helpful Guidance for Fair Housing Planning:

Resource	Description
<u>Lessons from the Ground: Best Practices in Fair Housing Planning</u>	This HUD publication offers general fair housing guidance to help HUD program participants complete meaningful fair housing plans.
<u>Housing Policy Action Guide</u>	This resource developed by the Center for Community Investment provides guidance and resources for housing and community development practitioners to strengthen the local conditions that will support equitable housing development.

FHOs typically find that program participants are committed to effective fair housing planning and implementing fair housing plans to support their AFFH obligations. However, not all participants may fulfill their obligations. FHOs can play a crucial role in identifying these AFFH compliance issues and taking action to hold non-compliant program participants accountable.

The impact of AFFH violations is likely to be more systemic, sustained over time, and diffuse than violations of other civil rights statutes and rules, decreasing the likelihood that individual complainants will file a complaint. FHOs know the fair housing issues that are prevalent in a jurisdiction, as they process most fair housing complaints in the United States.

In 2022, 80 National Fair Housing Alliance member organizations processed 22,674 housing discrimination complaints, representing 72.64% of all complaints filed nationwide and more than 2.6 times the number processed by state, local, and federal government agencies combined.²²

As noted by HUD, the duty to affirmatively further fair housing “extends to all of a program participant’s activities, services, and programs relating to housing and community development; it extends beyond a program participant’s duty to comply with Federal civil rights laws and requires a program participant to take actions, make investments, and achieve outcomes that remedy the pervasive segregation and disparities the Fair Housing Act was designed to redress.”²³

²² National Fair Housing Alliance, 2022 Trends Report 4 (Nov. 30, 2022), <https://nationalfairhousing.org/wpcontent/uploads/2022/11/2022-Fair-Housing-Trends-Report.pdf>.

²³ Id. at 8532.

VII. Conclusion

Remember, fair housing isn't just a legal right; it's the foundation for thriving communities and a more equitable and economically prosperous society.



Fair housing planning is a powerful tool, but it requires ongoing commitment, collaboration, and resources. FHOs can play important roles in engaging, supporting, educating, contracting with, monitoring, and, if necessary, pursuing enforcement advocacy to ensure meaningful compliance with the AFFH mandate. By collaborating with residents, policymakers, and other stakeholders, FHOs can create a future where

everyone has access to safe, affordable housing and the opportunity to build a better life. The information, strategies, and best practices outlined in this guide enable FHOs to identify and dismantle barriers to fair housing, promote inclusive communities, and ensure everyone can thrive. Together, we can turn the promise of the Fair Housing Act into a reality for all.



**National
Fair Housing**
TRAINING ACADEMY

Building Inclusive Communities:

**A Planning Guide for Fair
Housing Organizations**