

Examples of Activities to

“...affirmatively further fair housing”

April 2002

Overview

This handout summarizes guidelines and identifies sources of more information and examples for undertaking eight sets of activities that “affirmatively further fair housing:”

- 1) Education & Outreach
- 2) Monitoring the Practices of Lenders, Housing Providers, & the Local Real Estate Market
- 3) Enforcement
- 4) Investigative Testing & Auditing
- 5) Land-Use Policies
- 6) Overcoming NIMBY Attitudes
- 7) Increasing Geographic Choice in Housing
- 8) Promoting Desegregation of Public Housing

The guidelines are drawn primarily from a HUD report [*Fair Housing Planning Guide, Vol. 2 – Grantee Activities*; 1996; out-of-print]. Communities are encouraged to seek the guidance of DHCA and HUD when planning to undertake any of these activities.

It is highly unlikely that your community will be able to do every type of activity. Consequently, it is important to identify the types that will enable your community to use its limited resources most effectively to further fair housing.

Education & Outreach

Guidelines

The public needs to be informed when your community provides fair housing assistance (either directly or through a contractor). The credibility of your organization is on the line, so you should not promise results that cannot be delivered.

Public education and outreach should achieve specific communications objectives (e.g., motivating particular types of people to take specific actions or providing them with particular facts, insights, or explanations). To achieve your communications objectives, you should tailor both (1) the message content (what is communicated) and (2) the message form (how it is communicated).

The content of a message should include all of the necessary information (e.g., what services are being provided, who is eligible for the services, and how people can receive more information and applications) and no unnecessary information (information that does not help to achieve the objectives). The form of a message should make it more likely that the message will be received, understood, and accepted by the relevant

audience (e.g., what form of communication, what language, and how/where it is distributed). For example, consider which approach (or combination of approaches) will be most effective (e.g., a story or ad in the local newspaper, a pamphlet displayed in various public places, a direct mailing to residents, an exhibit displayed in public places, an audio/video tape for broadcast, or a live radio/TV spot). Particularly when you are launching new activities or programs, consider hosting special events to capture public attention (e.g., kickoff celebrations, poster contests, and press briefings).

Public outreach approaches will not be effective when your community needs to impart a large amount of complex information that is relevant only to a special audience. In these cases, technical training approaches are needed (classes, workshops, etc.). When undertaking training, it is important to plan the event to meet the needs, preferences, and capacities of the desired audience to attend, to absorb, and to retain the information you wish to impart. For example, the event should be held at a time and place that will maximize attendance of the desired audience members (who need to be notified sufficiently in advance). When you provide training to special groups (such as lenders, real estate professionals, or rental property owners/managers), try to partner with a peer organization of that group to organize and conduct the training.

Many state and regional fair housing organizations (see Resources) provide trainers and speakers for little or no cost. Many national organizations (see Resources) provide examples of written materials, such as

- Capability Brochures (describing an organization's purpose & services)
- Informational Brochures (e.g., describing fair housing rights)
- Fact Sheets (e.g., describing lender responsibilities)
- Booklets/Manuals (similar to Fact Sheets, but with more detail or covering more topics)
- First-Time Homebuyer Guides (information on the procedures for locating, qualifying for financing, and securing a home purchase)
- Home Locator/Community Guides (used by both renters and owners)
- Housing & Service Directories (listing key resources)
- Landlord/Tenant Guides (identifying legal rights & responsibilities)

Other types of educational materials include

- Displays & Booths (at events and public gathering places)
- Bus Cards, Print Ads, Posters, & Billboards
- Press Announcements (invitations to the press) & Press Releases (info for press use)
- Public Service Announcements
- Guest Editorials & Op Ed (in general circulation newspapers or trade journals)
- Give-Aways (promotional outreach items embossed with simple messages/info)
- Videos (public access cable/local station broadcast; see Hope Fair Housing Center in Resources)
- Counseling & Telephone Hotlines (e.g., assistance in housing search, rental or ownership; existence of these services must be publicized)
- Property Vacancy Listings (databases routinely published and/or posted on websites)
- Conferences, Fairs, & Programs (to convey information, instill enthusiasm, & build public awareness)
- School Curricula & Classroom Discussions
- Youth Programs (e.g., puppet shows, coloring books, poster contests, dramatic productions)

Resources

Champlain Valley Office of Economic
Opportunity, Fair Housing Project
<http://www.cvooe.org/>

294 N. Winooski, Suite 108
Burlington, VT 05401
(802) 864-3334 (800) 287-7971

HUD Fair Housing Information Clearinghouse
<http://www.circsol.com/fairhousing>
P.O. Box 9146
McLean, VA 22102
(800) 343-3442 TTY: (800) 290-1617

National Fair Housing Alliance
<http://www.nationalfairhousing.org>
1212 New York Ave., NW, Fifth Floor
Washington, D.C. 20005
(202) 898-1661 Fax: (202) 371-9744

HOPE Fair Housing Center
<http://www.state.il.us/dhr/Housenet/private/hope/hope.html>

2100 Manchester Road, Suite 1070
Wheaton, IL 60187
(630) 690-6500 Fax: (630) 690-6866

HUD – Vermont State Office
<http://www.hud.gov/local/bur/index.html>
159 Bank Street, 2nd Floor
P.O. Box 879
Burlington, VT 05402-0879
(802) 951-6290

NeighborWorks Homeownership Center of VT
(6 Vermont Offices, see website for locations)
http://www.getahome.org/contact_us.htm
179 South Winooski Ave. / P.O. Box 523
Burlington, VT 50402
(802) 660-0642 Fax: (802) 660-0641

Monitoring the Practices of Lenders, Housing Providers, & the Local Real Estate Market

Guidelines

Monitoring the actions of entities that influence housing decisions provides information useful in education/outreach and enforcement efforts. Monitoring (and even the prospect of being monitored) encourages others to meet fair housing responsibilities. However, monitoring is not only for detecting and punishing wrongful behavior, it also identifies entities that are meeting or exceeding their fair housing obligations. Some jurisdictions (e.g., Hartford, CT) use fair lending performance as one criterion in the RFP process for the provision of banking services to the city (see Resources). The Center for Policy Alternatives provides free guidance (including a model ordinance) to communities interested in developing similar programs.

Monitoring often requires such considerable effort that it can be effectively done only by states, counties and larger cities. However, it can involve merely collecting data already available to the general public (e.g., Home Mortgage Disclosure Act data) or other relatively simple means (e.g., suggestion/feedback boxes left in realtors' offices). Surveys of new residents in the community and in nearby communities and surveys published in newspapers also can be used to detect discriminatory patterns in trade practices or unequal impacts on housing choices (see Fair Housing Council of San Diego and Cambridge Community Foundation in Resources).

Communities also can encourage lenders, real estate professionals, and other groups to assist public monitoring efforts and to undertake self-monitoring and evaluation. Montgomery County, MD requires the owners/managers of rental housing facilities with 25 or more units to file annual reports on tenant occupancy composition. Some professional associations (e.g., the National Association of Realtors) engage in testing programs of their own members (as well as providing follow-up training).

Resources

Center for Policy Alternatives
<http://www.cfpa.org>
1875 Connecticut Ave., NW, Suite 710
Washington, DC 20009
(202) 387-6030 Fax: (202) 986-2539

Fair Housing Council of San Diego
625 Broadway Suite 1114
San Diego, California 92105-5415
(619) 699-5888 Fax: (619) 699-5885

The Cambridge Community Foundation
99 Bishop Allen Drive
Cambridge, MA 02139
Phone: (617) 576-9966 Fax: (617) 876-8187

City of Hartford Human Relations Office
http://www.ci.hartford.ct.us/human_relations/root
550 Main Street
Hartford, CT 06103
(860) 543-8595 (860) 722-6486

Montgomery Cnty. Human Relations Commission
164 Rollins Ave.
Rockville, MD 20852
(301) 468-4260 Fax: (301) 468-4130

Enforcement

Guidelines

The first step in building a local enforcement program is enacting an effective local fair housing ordinance. Ideally, local ordinances should be substantially equivalent to the Federal Fair Housing Act (as amended in 1988) and the Vermont law (see Title 9, Section 4503 of the *Vermont Consolidated Statutes*). Having a local law puts the public on notice that the local community favors fair housing and that this is the official policy of the local jurisdiction. It also provides for faster processing of local complaints. Communities that do not have the resources to adopt and enforce local regulations can assist in the enforcement of state and federal requirements.

Enforcement activities fall into two general categories: (1) administration (accepting complaints, record keeping, investigation, and conciliation) and (2) adjudication (decisions made about discrimination complaints, including determining liability, fashioning remedies, and imposing penalties). A typical approach is to establish a board or commission that is responsible for adjudication (and often organizes educational, monitoring, and other fair housing initiatives), while staff performs administrative actions. Vermont has a statewide Human Rights Commission with an administrative staff (see Title 9, Section 4551 of the *Vermont Consolidated Statutes*). The Champlain Valley OEO also will forward fair housing complaints to the HRC.

Resources

Champlain Valley Office of Economic
Opportunity, Fair Housing Project
<http://www.cvooe.org/>
294 N. Winooski, Suite 108
Burlington, VT 05401
(802) 864-3334 (800) 287-7971
Fax: 802-651-4179

Vermont Human Rights Commission
<http://www.hrc.state.vt.us/>
135 State Street, Drawer 33
Montpelier, VT 05633-6301
(800) 416-2010 Fax: (802) 828-2480

Investigative Testing & Auditing

Guidelines

Investigative testing and auditing are special monitoring activities that are focused on specific parties, typically seeking to identify specific types of practices or outcomes. Testing (using trained individuals to investigate first-hand whether discrimination occurs, typically to support a bona fide complainant's case) is a CDBG-eligible activity. Auditing can reveal unequal impacts of practices that need to be corrected (even absent a discriminatory intent). Testing and auditing can be random or can be prompted by complaints or information produced by general monitoring.

Testing and auditing efforts need to be well designed and carefully implemented if the results are to be used in subsequent enforcement actions (the typical purpose). Consequently, expert advice and assistance is indispensable. It is very important that testers be carefully trained (required if HUD funds are used). Testers should not be staff who receive or process fair housing complaints. Records of audits and testing should be kept in formats that can be used by enforcement agencies and/or plaintiffs.

The classic model for testing pairs a member of the protected class at issue with a member of an alleged preferred class. Both seek to obtain the housing service from the alleged offending provider in a manner similar to the complainant. Discrepancies in treatment are used as evidence in enforcement actions taken by the complainant or the tester (who can become a plaintiff). Some communities choose to announce the creation of a testing program or successful actions by it to promote improved behavior by others. However, announcing the existence of a testing program also can alert wrongdoers to be temporarily cautious in their actions, rather than to permanently correct their behavior.

Resources

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<http://www.hrc.state.vt.us/>
135 State Street, Drawer 33
Montpelier, VT 05633-6301
800-416-2010 Fax: 802-828-2480

Land-Use Policies

Guidelines

It is not enough that zoning and other local land use policies and regulations are not intended to discriminate against protected classes: Care is needed that they do not have a disproportionate burden on the opportunities for protected classes to reside in a community. The degree to which protected classes tend to be economically disadvantaged determines whether the lack of affordable housing opportunities raises fair

housing concerns. As a consequence, efforts to increase a community's stock of affordable housing are generally viewed as affirmatively furthering fair housing.

There are three general approaches to making a community's land use policies more conducive to affordable housing. First, existing regulations can be examined to identify and address barriers to affordability. Typical barriers include (1) no or overly restrictive opportunities for affordable housing types (e.g., multifamily housing, duplexes, town-houses, and accessory dwelling units) and for development practices that reduce costs (e.g., cluster development), (2) minimum lot sizes and lot widths that require residential development to be at low densities (that restrict affordability), and (3) other types of specific requirements (e.g., impact fees) that add to the cost of housing.

A second approach to improving affordability through a community's land use policies is inclusionary zoning. Inclusionary zoning encourages or requires certain or all housing developments to include a minimum proportion of affordable units. Some programs allow developers, in lieu of providing affordable units, to pay into a fund dedicated to subsidizing the construction of affordable units. Some communities extend this type of fee to nonresidential developments (often referred to as "linkage"), arguing that nonresidential developments should contribute to the construction of a number of affordable units commensurate with the number of moderate and low income jobs being created.

The third approach is for the community to build affordable housing directly or to provide various subsidies to affordable housing developers. Subsidies can include fee waivers, expedited development review procedures, density bonuses in zoning regulations, grants, low/no-interest and other favorable types of financing, and assembling and transferring property for no/low cost. Housing and conservation funds and local land trusts are mechanisms for providing affordable housing subsidies in Vermont.

Resources

Innovative Housing Institute
<http://www.inhousing.org/InclusionaryZoning/izoning.htm>
907
6th Street SW
Washington, DC 20024
(202) 554-3950

National Housing Institute
<http://www.nhi.org/online/issues.html>
439 Main Street, Suite 311,
Orange, New Jersey 07050
(973)678-9060 fax: (973)678-8437

Montgomery Cnty Dept. of Hsg & Com. Affairs
Moderately Priced Dwelling Unit Program
<http://hca.emontgomery.org/Housing/MPDU/mpdu.htm>
100 Maryland Avenue
Rockville, MD 20850
(240) 777-3600

Center for Policy Alternatives
<http://www.cfpa.org/issues/inclusionaryzoning/index.cfm>
1875 Connecticut Avenue, NW, Suite 710
Washington, DC 20009
(202) 387-6030

Overcoming NIMBY Attitudes

Guidelines

NIMBY (**Not In My Back Yard**) resistance to the location of affordable housing is a major barrier to expanding housing opportunities. When the housing is proposed to benefit minority families, homeless persons, or persons with mental disabilities, resistance can be even more intense.

Communities can undertake activities to help to reduce NIMBYism by allaying fears and concerns with facts and by promoting leadership. CASCAP (see Resources) has developed a video and manual that provide guidelines for achieving neighborhood acceptance prior to locating proposed group homes. This neighborhood education approach emphasizes

- Working with local officials, editorial boards, civic and religious organizations, and other community leaders to tailor educational efforts to the specific community;
- Seeking opportunities to present information proactively (rather than waiting to defend proposals at formal hearings) and always agreeing to meet with potential opponents;
- Focusing any anger towards the proposed facility on the organization proposing its development (not on the prospective residents of it);
- Creating an understanding of the needs for the housing by both the prospective residents and the community;
- Treating fears and concerns as real (rather than as merely expressions of bias or prejudice), addressing every fear or concern voiced, and answering all questions forthrightly; and
- Clarifying legal rights and duties.

Resources

CASCAP, Inc.
<http://www.cascap.org/>
678 Massachusetts Ave., 10th Floor
Cambridge, MA 02139
(617) 492-5559 Fax: (617) 492-6928

Increasing Geographic Choice in Housing

Guidelines

HUD tends to regard this set of activities as primarily relating to the geographic dispersion of opportunities for lower-income households to make use of Section 8 certificates and vouchers and other HUD housing subsidies to residents. However, the set of activities that are suggested (counseling and assistance in budgeting, housekeeping, job seeking, and home searching) apply to any effort to broaden the geographic scope of persons who are seeking housing and are facing housing discrimination. The Gautreaux program developed by the Leadership Council is the model approach, while Boston provides an example of a specific type of activity (a centralized listing service for rental and ownership properties in the entire metropolitan region, not merely the city). (see Resources)

Resources

Leadership Council for Metropolitan
Open Communities
Gautreaux Program
<http://www.lcmoc.org>
11 West Jackson Blvd., 12th Floor
Chicago, IL 60604
(312) 341-5678 Fax: (312) 341-1958

Boston Fair Housing Commission – Metrolist
<http://www.bostonhousing.org/detpages/rservices119.html>
Boston City Hall, Room 966
Boston, MA 02201
(617) 635-3321 Fax: (617) 635-3290

Promoting Desegregation of Public Housing

Guidelines

Promoting the desegregation of public housing may not be relevant to the majority of Vermont communities seeking to affirmatively further fair housing. However, there are key elements of this type of activity that are worth noting because they apply to the other types of activities.

A principal ingredient to the success of this activity is leadership, which needs to be demonstrated by a community's public officials and other leaders. Additionally, public support can be promoted through good media relations and community dialogue. Boston's efforts to promote the desegregation of its public housing system is an example of this activity (see Resources).

Resources

Boston Housing Authority
<http://www.bostonhousing.org>
52 Chauncy Street
Boston, MA 02111
(617) 451-1250 Fax: (617) 451-3559