

BUILDING COMMUNITY, BUILDING OPPORTUNITY:



MUNICIPAL GUIDEBOOK TO AFFIRMATIVELY FUTHERING FAIR HOUSING

PREPARED BY THE OAK PARK REGIONAL HOUSING CENTER

INTRODUCTION

This guidebook provides a visual snapshot of the ways in which municipalities can affirmatively further fair housing for residents. The tools contained within this document range from basic strategic planning concepts to required documents which address a community’s vulnerabilities and impediments associated to fair housing.

The guidebook is meant to introduce fair housing best practices to communities that need exposure to the planning and implementation process. It may be the case that not all steps will be applicable to each reader; it will be up to the user to determine which step is the most helpful. Though this guidebook lays out best practices, in order to have a comprehensive analysis and plan for fair housing, communities should consider the Oak Park Regional Housing Center or another entity certified by the U.S. Department of Housing and Urban Development for affirmative furthering of fair housing consultation.

There are fair housing policies and underused assets which can provide the foundation for progress. It is time to build upon these strengths to create racial integration and promote diverse investment. The Oak Park Regional Housing Center is motivated to help municipalities become more culturally vibrant communities. We strongly believe that the collaboration with fair housing agencies such as the Oak Park Regional Housing Center will affirmatively further fair housing and create a bright future.

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CHAPTER 1:

FAIR HOUSING POLICY

FAIR HOUSING ACT OF 1968

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Section 109 of Title I of the Housing and Community Development Act prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

AMERICANS WITH DISABILITIES ACT OF 1990

Title II of the Americans with Disabilities Act prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

ARCHITECTURAL BARRIERS ACT OF 1968

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.

PRESIDENTIAL EXECUTIVE ORDER 11063

Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

PRESIDENTIAL EXECUTIVE ORDER 12892

Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.



CHAPTER 2:

THE BENEFITS OF FAIR HOUSING

A **fair housing market** is one in which no consumer is more burdened in making housing choices than any other consumer. Affirmatively furthering fair housing goes beyond uncovering discrimination & developing affordable housing. It must encompass policies that encourage racial and ethnic integration and include accessibility & housing for larger families. Affirmatively furthering fair housing is accomplished through implementing policies, practices, programs, and development that promotes integration.

The **Fair Housing Act of 1968** prohibits the refusal to sell, finance, rent to, or negotiate with any person on the basis of:

- **RACE OR COLOR**
- **GENDER**
- **FAMILIAL STATUS (PRESENCE OF MINOR CHILDREN)**
- **NATIONAL ORIGIN**
- **RELIGION**
- **DISABILITY**

The U.S. Department of Housing and Urban Development states that equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing discrimination is not only illegal; it contradicts in every way the principles of freedom and opportunity for all citizens.

The importance of fair housing goes beyond a physical structure. Affirmatively furthering fair housing creates a housing market which is open, inclusive, and fulfills the diverse needs of all community residents. Fair housing reconnects neighborhoods by ensuring access to quality housing, regardless of race, gender, religious views, familial status, or disability. All citizens have the opportunity to live in close proximity to high-achieving schools, employment opportunities, transportation options, banking services, grocery stores and retail, public services, and public space. Local government reaps benefits from promoting integration by lowering costs for social services, improving revenues through strong property values, and providing a desirable community where households and businesses can thrive.

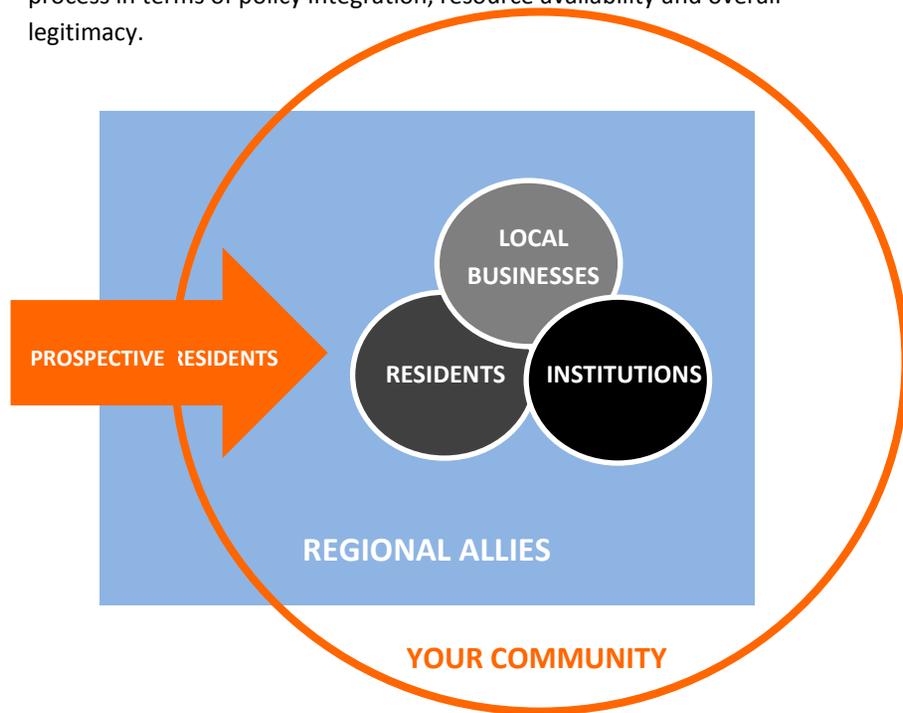


Local government's response to changing demographics and racial disparities will determine the region's future. Correcting inequities and promoting equal opportunity for all residents are the essence of what government should do. Increasing the focus on fair housing benefits everyone and allows disadvantaged residents to lead more prosperous lives.

CHAPTER 3:

STAKEHOLDER IDENTIFICATION

It is important to identify the necessary participants for fair housing planning and analysis. Stakeholder involvement provides an insightful lens on local issues and rallies citizen support for proposed developments. Additionally, honest community engagement keeps residents informed, creates a sense of ownership, and enables public accountability. Identifying stakeholders and understanding their potential role and position in the process are important conditions to achieve the overall fair housing goals. This can help to identify possible conflicts and coalitions between stakeholders, and how these in turn may affect your planning process in terms of policy integration, resource availability and overall legitimacy.



POSSIBLE STAKEHOLDERS	
Municipal departments	Local businesses
City manager	Media
Mayor or council	Non-profit organizations
Other levels of government	Community groups
Fair housing organizations	Neighborhood associations
Housing authority	Residents
Neighboring Communities	Congregations

To obtain a comprehensive picture, four types of stakeholders should be distinguished according to their specific power position in the process:

- **RESIDENTS:** Population immediately affected by fair housing policies; solicit direct input
- **LOCAL BUSINESSES & INSTITUTIONS:** Can rally community support, provide financial resources, and contribute skills and expertise; solicit direct input
- **PERSPECTIVE RESIDENTS:** Potential participants in the integration of the community
- **REGIONAL ALLIES:** Wider community over which you have minimal control, but should remain included for resources, support, and research

In addition, consider the role of existing local champions – key individuals who may play a significant role in mobilizing resources and creating alliances - because of their personal skills and recognition among local actors. Such persons can have an extraordinary influence on the process, both positively and negatively. Their role requires an early strategic assessment.

CHAPTER 4:

PARTNERSHIPS & REGIONAL COLLABORATION

Through partnerships and regional collaboration, entities can combine assets to obtain local support, attract necessary funding, and provide the required project management and operations experience. Bringing groups to the table can be accomplished by articulating the connection of the policy or program to their mission and communicating potential benefits of the plan.

Although there is no single approach to collaboration or partnerships, several principles have emerged to help which should be adapted to the unique circumstances of each place or region.

- **CATALYST:** Focus on a compelling purpose or interest
- **LEADERSHIP:** Organize around collaborative leaders
- **REPRESENTATION:** Mobilize and engage the right people
- **FIT:** Define the region to match people’s interests
- **CAPACITY:** Assemble the necessary resources
- **STRATEGY:** Determine where you want to go & how
- **IMPLEMENTATION:** Move from vision to action
- **EVALUATION:** Learn as you go and adapt as needed



REGIONAL COLLABORATION:
Addresses issues transcending political and jurisdictional boundaries at a regional level; can augment existing government institutions or be ad hoc in nature



INTERJURISDICTIONAL COLLABORATION:
Leverages external resources, align internal strategies to collectively address common issues and goals that cross municipal boundaries, and capture resulting efficiencies



PUBLIC-PRIVATE PARTNERSHIPS:
Contractual agreements formed between the public sector and a private entity that allow for greater private sector participation in the delivery and financing of infrastructure projects



CHAPTER 5:

STRATEGIC PLANNING, MEASURABLE GOALS

Strategic planning for affirmatively furthering fair housing requires developing strategic policy priorities for the community. After identifying fair housing priorities, plan and coordinate the implementation of initiatives that support these priorities.

VISION. Establishing a vision is a way for your community to integrate your fair housing goals into the wider vision of your community. A vision is a statement that expresses where your community wants to be in the future. For local governments embarking on the fair housing process, a vision can help to establish what an integrated community looks like. By articulating where you like to see your community in the future, your community will have something to refer back to throughout the fair housing effort. A vision statement also acts as a call to action and can be a catalyst to inspire change. Ideally, it should incorporate the values that are important to your community while also communicating the purpose and intended outcome of your fair housing ordinance and action plan.

Below are key questions to consider while establishing your vision:

- What do you want to accomplish with your fair housing plan?
- What does an integrated community look like to you?
- What sort of impediments to fair housing affect your region?
- Who are your target audiences: council, stakeholders, citizens?



GOALS. Once you have completed your vision, you can shape your fair housing goals. Goals should be phrased in reference to the fair housing impediments that threaten your community. They will act as high level intentions which your community will strive towards. Consider the unique market demand and housing stock of your community when developing housing goals for a municipality.

OBJECTIVES. Having identified community goals, you can begin to set specific objectives. Objectives refer to the ways in which your community intends to overcome the impediments that have been identified and represent the path towards achieving your wider vision. Some objectives might be specific, while others might be broad and thus more challenging to measure. Remember that fair housing objectives will vary from one community to another based on the unique characteristics of each area.

TARGET. To the extent possible, identify what your objective is striving to accomplish using targets. Targets can be set as a defined timeframe and/or relevant numerical standards to measure progress. Keep in mind that numerical standards will likely only be possible in cases where baseline data is available.

CHAPTER 6:

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING REPORT

According to the U.S. Department of Housing and Urban Development, the Analysis of Impediments (AI) Report is a review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. The AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. Conducting an analysis of impediments is a required component of certification and involves the following:

- An extensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws affect the location, availability, and accessibility of housing;
- An evaluation of conditions, both public and private, affecting fair housing choice for all protected classes; and
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.
- An analysis of whether the community has sufficient, accurate, and current information to understand and document all of its fair housing impediments.

WHAT DATA IS INCLUDED IN AN AI REPORT?

- Introduction and executive summary of the analysis
- Demographic data regarding the jurisdiction's population and housing
- Maps showing minority and low-income concentration, and assisted housing
- Other relevant data such as employment and transportation
- Mortgage and rehabilitation lending patterns by race and ethnic group
- Availability of accessible housing stock for residents with disabilities
- Findings resulting from complaints and fair housing litigation
- Results of fair housing testing activity, if available
- Impediments in the public and private sector
- Occupancy requirements that might unlawfully limit group homes for persons with disabilities of families with children
- Geographic patterns related to the use of housing choice vouchers and siting of assisted housing
- Efforts to assist and serve persons who have limited English proficiency to function more effectively in the housing market and assert their rights under civil rights law

CHAPTER 6 CONTINUED:

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING REPORT

GUIDELINES FOR SUB-GRANTEES.

Sub-grantees of federal funds are not required to draft an Analysis of Impediments to Fair Housing Report, although every municipality benefits from an examination of barriers to affirmatively furthering fair housing, unique to each community.

Sub-grantees should consult the granting jurisdiction's Analysis of Impediments to Fair Housing Report in order to help shape their Fair Housing Action Plan.

FEDERAL RESOURCES.

Below are federal resources which provide guidelines for affirmatively furthering fair housing or illustrates the need to follow fair housing mandates as grantees and sub-grantees of federal dollars.

[Fair Housing Laws and Presidential Executive Orders](#)

[Consolidated Plan and CDBG Fair Housing Requirements](#)

[HUD Fair Housing Planning Guide](#)

[Westchester County Fair Housing Settlement](#)

[Overcoming Structural Barriers to Integrated Housing](#)



CHAPTER 7:

FAIR HOUSING ORDINANCE

FAIR HOUSING ORDINANCE. After completing the analysis of impediments to fair housing report, a municipality must adopt or update current fair housing ordinance that is based on evidence in the AI and is inclusive of the protect classes within the Fair Housing Act, state equivalent law, and any local ordinances. The fair housing ordinance should not be independent of a comprehensive plan because the resulting goals may not relate to other aspects of the community's development. While comprehensive plans are typically designed for long-term use, fair housing may need more frequent review due to market and demographic shifts.

RECOMMENDED SUB-HEADINGS FOR FAIR HOUSING ORDINANCE:

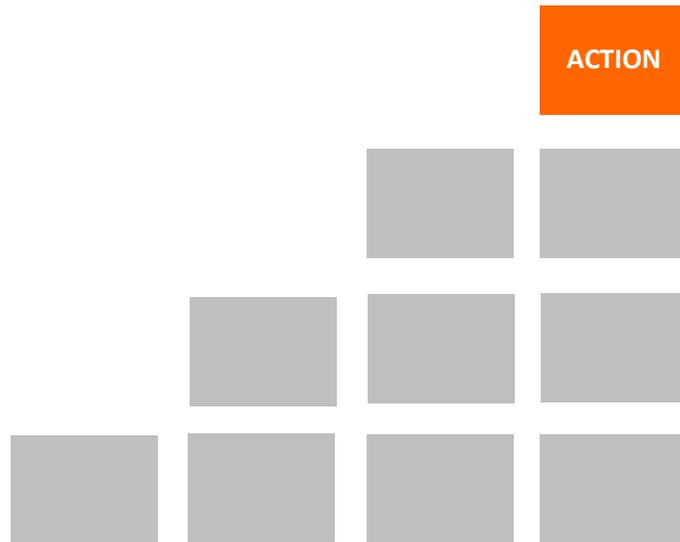
- Declaration of policy
- Define protected classes
- Detail unlawful housing practices
- Exemptions and exceptions, if any
- Administrator authority and responsibilities
- Fair housing complaints and procedures
- Additional remedies
- Education and public information
- Untruthful complaints or testimony
- Penalty
- Severability
- Effective date



CHAPTER 8:

FAIR HOUSING ACTION PLAN

FAIR HOUSING ACTION PLAN. Once the impediments to fair housing are identified, communities must take action to overcome the effects of these barriers. Many communities will find that there are far more impediments to fair housing than they are able to address in a single year. Similarly, there are numerous programs and policies to affirmatively further fair housing. A fair housing action plan, with defined fair housing objectives, will make the task of establishing priorities, taking actions, and evaluating results far easier for municipalities.



MINIMUM STANDARDS FAIR HOUSING ACTION PLAN SHOULD ADDRESS:

- **COMPLAINTS:** A procedure for receiving fair housing complaints. If the municipality does not have investigative and adjudicative body and procedure, provide a procedure for referring fair housing complaints to an agency for intake and adjudication
- **MARKETING:** Information about fair housing rights available for all residents and prospective residents; plans for marketing to under-represented groups
- **TRAINING:** Real estate professionals and multi-family property owners should attend and complete an annual fair housing training session that covers the requirements and protections of the Fair Housing Act, state equivalent law, and any local ordinances
- **AFFIRMATIVE PLANS:** Solicit local lenders for affirmative lending plans and require local residential builders during the permit process to provide affirmative marketing plans
- **AFFORDABILITY:** Conduct an analysis of the affordability of both rental and owner-occupied housing and address the need for any future development of affordable housing in the community as it relates to improved integration
- **CURRENT ORDINANCES:** Review all zoning ordinances, building codes, and occupancy codes for compliance with the Fair Housing Act, equivalent state law, and the Americans with Disabilities Act
- **DEVELOPMENT:** Prioritizing economic development and infrastructure to ensure community equity

CHAPTER 9:

COMMUNICATION & MARKETING

The way in which you communicate the accomplishments of your adaptation effort will be dictated by the kind of plan your community has created. There are a variety of communication methods that can be employed including a community event, press release, issue briefs, reporting, etc.

COMMUNICATION	PROS	CONS
Community Event	<ul style="list-style-type: none"> • More likely to get participation • Opportunity for community involvement 	<ul style="list-style-type: none"> • Costly • May only reach small number of people
Press Release	<ul style="list-style-type: none"> • Minimal costs • Reaches wide audience 	<ul style="list-style-type: none"> • Difficult to ensure that its read
Reporting	<ul style="list-style-type: none"> • Formally documents progress • Minimal costs 	<ul style="list-style-type: none"> • Only reaches a small, mostly internal audience • Is not accessible to wider audience

COMMUNITY AWARENESS. When introducing new fair housing laws and programs into a community it is important to encourage public participation early to help address concerns and result in better programs for residents and the municipality. Stakeholder and citizen involvement provides an insightful lens on local issues and rallies citizen support for proposed developments. Honest community engagement keeps residents informed, creates a sense of ownership, and enables public accountability.

AFFIRMATIVE MARKETING. Affirmative marketing differs from general marketing activities in that it specifically targets potential tenants and homebuyers who are least likely to apply for the housing, in order to make them aware of available housing opportunities. If possible, adopt programs that seek to overcome the informational biases that lead people to have little knowledge of your community or negative views about your community. Additionally, it is important to enact policies which provide resources to community organizations that work with real estate agents, landlords, and civic leaders to make the community attractive and accessible to all races.

COMMON METHODS TO AFFIRMATIVELY MARKET:

- Identifying populations that are least likely to apply without special outreach, and tailoring affirmative marketing requirements to project owners accordingly
- Communicating the equal housing opportunity message in outreach to the general community; may be inserted into direct mail solicitations, requests for proposals, and related advertising
- Require all advertisements, brochures, and other written material for housing be published in multiple languages, in order to reach non-English-speaking audiences

ADDITIONAL FAIR HOUSING

RESOURCES

Access Living

www.accessliving.org
(312) 640-2100

Business and Professional People for the Public Interest (BPI)

www.bpichicago.org
312-641-5570

Center for Neighborhood Technology

www.cnt.org
773-278-4800

Chicago Area Fair Housing Alliance

www.cafha.net

Chicago Metropolitan Agency for Planning (CMAP)

www.cmap.illinois.gov
312-454-0400

Cook County – Commission on Human Rights

www.cookcountygov.com
312-603-1100

Illinois Department of Human Rights

www2.illinois.gov/dhr
312-814-6200

Lawyers Committee for Better Housing

www.lcbh.org
312-347-7600

Metropolitan Mayors Caucus

www.mayorscaucus.org
312-201-4505

Metropolitan Planning Council

www.metroplanning.org
312-922-5616

Sargent Shriver National Center on Poverty Law

www.povertylaw.org
312-263-3830

State of Illinois

www.illinois.gov
312-793-3500

U.S. Census

www.census.gov
301-763-INFO (4636)

U.S. Department of Housing and Urban Development

www.hud.gov
312-353-5680

CONTACT OAK PARK REGIONAL HOUSING CENTER

The Oak Park Regional Housing Center offers technical assistance in a number of areas, including fair housing planning, implementation, and advocacy as well as landlord training, first-time homeownership, and affirmative marketing.

If you have questions, please contact:

Rob Breymaier, Executive Director at rbreymaier@oprhc.org
Morgan P. Davis, Fair Housing Policy Analyst at mdavis@oprhc.org

For information about our fair housing model, please visit:

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ABOUT THE OAK PARK REGIONAL HOUSING CENTER

The Oak Park Regional Housing Center (OPRHC) is a 501(c)(3) non-profit organization founded in 1972 offering free services to housing seekers and housing providers. The primary service area is Western Cook County however services are available to people throughout the Chicago region. The OPRHC provides apartment referrals, technical assistance to property owners and managers, homeownership counseling, fair housing policy analysis and fair housing training and education.

