

Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC 20410-0500

**Re: HUD's Proposed Rule on Affirmatively Furthering Fair Housing, Docket No. FR 6250-P-01**

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov/>.

To Whom It May Concern:

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, nonprofit organization advancing anti-poverty policies that promote economic and racial justice. In our advocacy, we strive to remove barriers blocking people from economic security and opportunity and build momentum for bold solutions that disrupt structural and systemic classism, racism, ableism, and sexism. With deep expertise in a wide range of programs and policy ideas, longstanding relationships with anti-poverty, child and family, higher education, and workforce development stakeholders, and over 50 years of history, CLASP works to amplify the voices of directly impacted people and help public officials design and implement effective programs. In recent years, CLASP has significantly expanded its partnerships with people who have been denied economic justice because we believe that effective programs must be community-driven and endorsed. We are grateful for the opportunity to comment on the Affirmatively Furthering Fair Housing (AFFH) proposed rule, especially the community engagement requirements.

## **I. Introduction and Parts of the Rule to Preserve**

Overall, CLASP appreciates HUD's commitment to restoring the AFFH regulation and fulfilling its statutory obligation. The Biden Administration has expressed an intention to advance "equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."<sup>1</sup> This goal demands a comprehensive, community-oriented AFFH regulation. We commend HUD for proposing a rule that:

- *Acknowledges the importance of integrating community input throughout the fair housing planning process.* HUD has made several improvements with the rule's new community engagement procedure. For example, HUD has decided to require "meetings" to fulfill the community engagement requirements in the Equity Plan. In contrast, other planning processes

like the Consolidated plan require public “hearings”, not “meetings”. Compared to the formal hearing process, a series of meetings have the potential to be much more inviting and accessible to underserved communities.

- *Provides technical assistance for program participants.* Meaningful community engagement in a planning process will require program participants to undertake outreach, build trust, and engage with underserved communities in new ways. Technical assistance reduces the learning curve involved and increases the odds of successful engagements. This proposed rule acknowledges that effective, inclusive efforts to engage the community require preparation. Later in this comment, we offer recommendations regarding the resources that should be provided to program participants.
- *Establishes a standard procedure for the public and HUD to enforce Equity Plan compliance.* The proposed rule creates a much-needed pathway for the public to express concerns about Equity Plan implementation or the process used to develop it. The proposed process respects the time of both program recipients and directly impacted communities: it doesn’t overburden jurisdictions and creates a voluntary resolution process that could lead to more timely course corrections. CLASP commends HUD for requiring at least two meetings per year for the public to review the program participant’s progress.
- *Equips community members with information and tools needed to hold program participants accountable.* In the proposed rule, HUD increases transparency by publishing all Equity Plans onto HUD’s official website. Combined with the compliance process, allowing the public to comment on Equity Plans further widens a much-needed communication channel between people who Equity Plans aim to serve and HUD.

It is imperative that these components remain and continue to be prioritized in the final rule. In this comment, we recommend improvements to the proposed rule that strengthen the likelihood of meetings and other interactions with people directly impacted by fair housing issues producing robust community engagement. CLASP is concerned that the community engagement requirements within the proposed rule prioritize convenience for program participants over quality of engagement. While we understand HUD’s attempts to reduce the burden on program participants through flexibilities like allowing for overlap between planning processes, excessive leniency will erode any distinction that the rule tries to make between community engagement and citizen or resident participation. Convenience cannot be the first priority. Community engagement involves significant preparation, but it should not be viewed as another administrative burden. Adopting the improvements outlined in this comment would ensure that the final rule prioritizes robust community engagement over convenience for program participants. We also suggest training, sub regulatory guidance, and other materials that HUD should provide to program participants to support them in implementing parts of the rule related to community engagement. Our comment primarily answers questions 5(d), (e), and (f).

## II. Improvements to the Community Engagement Procedure in the Proposed Rule

**Describe the qualities of “robust” community engagement.** In section 5.152 of the proposed rule, community engagement is defined as the “solicitation”, “consideration”, and incorporation of peoples’ opinions into “planning processes, decisions, and outcomes”. HUD stresses the importance of developing “a process” for actually incorporating feedback from the community. CLASP agrees with this basic definition of community engagement. However, throughout the rule, HUD frequently uses the term “robust” to differentiate the Equity Plan’s community engagement requirements from other planning processes. CLASP recommends that HUD explain some of the qualities of “robust” community engagement in order to sufficiently distinguish community engagement from citizen participation or resident participation.

Through CLASP’s efforts to engage people experiencing poverty as a national nonprofit, we have identified qualities that make engagement feel robust or purposeful—opposed to superficial or futile—from the perspective of community members. One quality of robust engagement that we have identified is consistency. Efforts to engage directly impacted people must be consistent, as in they must occur at every stage of the planning process—from development to implementation and evaluation—and have a transparent purpose or potential impact. *Before* decisions are made or products are created, community members must be given ample opportunities to share concerns, flag priorities, and make strategic recommendations. Consistent engagement unlocks the potential for a community to provide thought leadership and actually co-create in partnership with program participants. Another important quality is sincere power-sharing. Program participants must transfer decision-making power to directly impacted people, especially power over decisions that guide the remainder of the planning process like what issues to prioritize and what solutions to pursue. There are likely other qualities of robust community engagement that HUD should consider outlining for program participants in the final rule and a supplemental rubric.

**Do not allow program participants to combine community engagement requirements across planning processes.** Proposed section 5.158 allows program participants to combine their AFFH community engagement requirements with other community, resident or citizen participation requirements where “the engagement regarding the Equity Plan meets all the criteria set forth” in the rule. Yet each plans’ community engagement or participation requirement has a distinct purpose. The Consolidated Plan, for example, is designed to help jurisdictions assess market conditions, prioritize their affordable housing and community development needs, and make data-driven investment decisions. Squishing multiple requirements into a single public hearing or meeting would lead to rushed discussions without clear direction. It’s equally important for program participants to hear from directly impacted people about community development needs as fair housing solutions. Furthermore, meetings where community members are asked to identify fair housing *needs* should be sequenced

before meetings dedicated to *solutions*. HUD must ensure that all discussions or activities meant to satisfy the Equity Plan's community engagement requirement have clear goals *and* ample time to accomplish them. If program participants attempt to do too much in a single meeting or hearing, the community may feel unheard or deprioritized.

Because permitting these kinds of combinations could incentivize program participants to minimize their interactions with directly impacted people, we recommend HUD remove paragraphs (3) and (8) of section 5.158(a) from the rule. HUD should encourage as much interaction with the community as needed to consider their engagement *robust* instead of enabling program participants to consolidate community engagement efforts. Section 5.158(b) allows for an appropriate amount of collaboration between program participants who have to complete Consolidated, PHA, and/or Equity Plans, as does paragraph (c)(2). In this section, HUD enables PHAs and jurisdictions to rely on each other's data gathering and analysis, coordinate community engagement, and submit joint Equity Plans.

### **Substantially increase the number of required meetings during development of the Equity Plan.**

From CLASP's experience, community engagement that is robust cannot occur within the span of three meetings. More required meetings are necessary to ensure community engagement throughout an Equity Plan's development. In the proposed rule, HUD identified two primary junctures where program participants should seek community input: identifying fair housing issues and setting goals. This list must be expanded to include sharing relevant data and historical knowledge, prioritizing fair housing issues, and reviewing the draft Equity Plan before it is submitted to HUD.

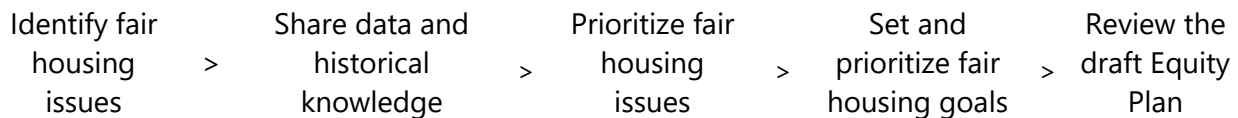
- *Sharing relevant data and historical knowledge.* Program participants must form a shared understanding of fair housing by relaying their data-driven knowledge *and* giving residents—many of whom have been impacted by fair housing issues for generations—opportunity to share their historical and experiential knowledge. If program participants successfully recruit diverse groups, each person will bring unique knowledge to the planning process. Efforts to educate members of the community do not have to be didactic or over-reliant on presentations: they can and should disrupt traditional student-teacher dynamics through small group learning<sup>2</sup> and activities that encourage creativity. Requiring a meeting focused on community learning will help program participants, advocates or providers, and residents establish a shared understanding of fair housing.
- *Prioritizing fair housing issues.* Program participants must partner with impacted people to determine fair housing priorities. Paragraphs 5.154(f)(2) instructs program participants to prioritize fair housing issues that “will result in the most effective fair housing goals for achieving material positive change for underserved communities.” Yet the proposed rule does not require program participants to make these decisions in partnership with directly impacted people—the people who are most capable of identifying fair housing issues that are pressing. Empowering

impacted people to determine priorities will lead to the creation of fair housing goals with a greater potential impact.

- *Reviewing the draft Equity Plan before it is submitted to HUD.* Directly impacted people who are involved in the planning process deserve the opportunity to make final suggestions before an Equity Plan is officially submitted to HUD. Throughout the revision and editing process, program participants may veer from the issues, priorities, or solutions agreed upon by all stakeholders. Requiring program participants to consult with directly impacted people before finalizing an Equity Plan may reduce the likelihood of denials and volume of filed complaints.

Program participants will also need time during each meeting to report back to community members on the status of the suggestions they made. When recommendations are not adopted, program participants should explain why they are not included and what alternatives are being considered. From CLASP’s experience, soliciting and then ignoring feedback exacerbates lack of trust and creates cynicism that makes future engagements more difficult. It is not enough to listen to community members; their ideas must be acted upon.

A potential sequence for community engagement meetings could be:



Program participants should be expected to host this entire series of meetings in more than one location (including online), giving directly impacted people across their jurisdiction and with diverse needs multiple opportunities to share their perspectives. By increasing the number of meetings required, HUD will encourage program participants to be intentional about sequencing and meeting purpose. Underserved populations will be more willing to share their opinions when expectations are clear. What’s more, program participants cannot host a single meeting that satisfies the accessibility needs of every person impacted by fair housing issues. For these reasons, HUD must substantially increase the number of required meetings as written in section 5.158(d)(1). In the long-term, increasing the number of required meetings will actually reduce administrative burden. Staff will have substantial qualitative data to draft their Equity Plans. More importantly, program participants will have invested time and resources into the community—a necessary first step in building stronger relationships with underserved populations. Program participants will be able to lean into the success of this planning process when recruiting for future community engagement efforts.

**Require program participants to give timely notice of all community engagement meetings, activities, and opportunities.** Individuals who represent protected classes or underserved populations, especially people experiencing poverty, endure long, often unpredictable work schedules and other

time constraints. To maximize public participation, announcements must be posted and widely distributed at least one month in advance. Program participants must also be discouraged from changing meeting times or locations within a week of the event.

**Require program participants to be transparent with community members about the compliance and complaint process.** In meeting notices, HUD could require program participants to acknowledge that public meetings related to the Equity Plan are legally required, signaling to residents that their opinions are valued, and summarize the process for filing a complaint to HUD. There should also be a neutral staff person in every jurisdiction who can help directly impacted people navigate the complaint process.

**Incentivize program participants to multiply their connections with the community.** For other planning processes, community engagement efforts tend to involve a core group of advocates like people on Resident Councils or Resident Advisory Boards (RABs). Program participants can struggle to engage directly impacted people who have a deep-rooted distrust of government or less time to dedicate to advocacy. Unfortunately, many deserving people in protected classes have no connection to housing programs because racialized rules<sup>3</sup> make them ineligible or the program does not have enough resources to serve them.<sup>4</sup> Because it can be challenging to recruit underserved populations, staff sometimes over-rely on community members who already identify as advocates, risking tokenization. People in the same neighborhood paying market rates or experiencing homelessness may have very different concerns and priorities than current residents of public or subsidized housing. Therefore, program participants must be required and incentivized to engage underserved populations specifically.

*Research community engagement methods that are proven to increase participation among underserved populations and consider requiring them.* The proposed rule is careful not to be prescriptive, outlining only four “methods” that program participants must employ when engaging the community. These requirements focus on meeting times, locations, and frequency, outreach strategies, and data transparency. CLASP agrees with the areas of focus in the proposed rule. However, in addition to increasing the number of required meetings substantially, HUD might want to consider standardizing additional methods across jurisdictions. Currently, paragraph (d) contains the only enforceable language in section 5.158 that requires the prioritization of protected classes and underserved communities in engagement efforts. HUD should consider adding more methods that deepen the likelihood of protected classes—especially people who are underserved—participating. For example, HUD could instruct program participants to convene a group of people directly impacted by fair housing issues to consult more regularly on the Equity Plan. In too many planning processes, public engagement that reaches a wide, diverse audience of directly impacted people is viewed as a “check the box” exercise, with little impact on the ultimate outcomes.

Repeat engagement strategies can help to ensure that residents' input is meaningfully incorporated at all stages of the planning process—from development to implementation and review. Repeat engagement strategies can be structured or informal. To move beyond one-time or superficial engagement, government groups often convene advisory boards, task forces,<sup>5</sup> and commissions with substantial representation from directly impacted people. This more formal approach can enable program participants and community members to collaborate more consistently. A more informal strategy may be partnering with a handful of CBOs to recruit and co-facilitate a series of conversations with their membership base, or canvassing areas with high concentrations of poverty to invite residents to a series of conversations with their neighbors.<sup>6</sup> Program participants could also mix informal and formal strategies, leaning on a core group of advocates with lived experience to help them engage with underserved populations that are harder to reach. In other words, it is possible to require program participants to engage deeply and repeatedly with the same group of people while still preserving the program participants' agency. HUD can add language to the final rule that enables program participants to choose the form that their repeat community engagement model takes. CLASP strongly encourages HUD to consider requiring a certain number of closed meetings with protected classes and underserved populations as part of the Equity Plan's community engagement procedure. Closed meetings would create a foundation of peer support that people impacted by fair housing issues can lean on, empowering them to express their opinions even in challenging discussions with people from more privileged backgrounds. We also implore HUD to research additional engagement methods that may increase participation among underserved populations and require them where appropriate.

*Acknowledge that local leaders and community-based organizations need resources to support community engagement efforts.* Offering flexible funding for program participants to partner with community-based organizations (CBOs) that serve protected classes will help HUD to ensure that multiple, diverse perspectives are incorporated in the Equity Plans. Outreach activities carry costs, especially staff time. CBO staff may be expected to get the word out (e.g., door-knocking, hosting informational meetings, calling people up 1-on-1), provide services like child or dependent care, and co-facilitate meetings. In the final rule or subregulatory guidance, HUD should clarify what sources of federal funding, including other program's budgets for administrative costs, can be used as passthrough funding to CBOs for outreach, facilitation, or community education support. HUD should also plan to provide technical assistance to CBOs to apply for grants such as those within the Fair Housing Initiatives Program.

*Require program participants to maximize accessibility.* Captioning, American Sign Language (ASL), and auxiliary aids should be provided. HUD should require that program participants adequately inquire and plan for accommodations needed during meetings, including having a designated point of contact to hear accommodation requests. All meeting notices must be required to indicate how one can request accommodation. Because people with disabilities and others experiencing poverty face time constraints,

program participants should organize meetings for different times, days of the week, and in accessible locations near transit. Program participants that serve—or have historically failed to serve—people whose first language is not English should also be expected to host meetings that are in other dominant languages, hiring facilitators who can speak the language most preferred by directly impacted people. Robust outreach and advertisement, in partnership with CBOs and service providers, will be necessary to get invaluable feedback and information from community members.

HUD should require that some meetings be virtual so that those who cannot attend in-person due to care responsibilities, transportation barriers,<sup>7</sup> or mobility limitations can participate. Program participants should, however, identify and overcome barriers to online participation as well, such as by providing devices and internet hotspots or identifying locations where community members can access free WiFi and internet-connected computers like public schools, libraries, and existing community centers, including health centers. In CLASP's experience, offering training and practice sessions for people who may be unfamiliar with the meeting platform and process can expand participation and engagement.

**Give program participants enough resources to consult with RABs and other core advocates with lived experience on best practices for engaging underserved populations.** The proposed rule would revise paragraph 903.13(a) to account for community engagement activities related to the Equity Plan. This change enables program participants to seek advice from RABs. For their engagement support in other planning processes, RABs are supposed to receive \$25 per apartment to spend on resident participation activities. The use of these funds is regulated. Unfortunately, RABs are woefully underfunded considering the invaluable advice and relationships they bring to the planning process. Increasing the funding allocated to RABs may be beyond the scope of this proposed rule. However, RABs should not be expected to facilitate or support community engagement for Equity *and* PHA plans without commensurate funding. At most, RABs or jurisdiction-wide councils should be asked to provide expert advice about community engagement efforts. Program participants should not *require or expect* representatives to facilitate, plan, or otherwise contribute significant time to fulfilling engagement requirements related to the Equity Plan. RABs or councils must explicitly consent to the additional responsibilities.

If long-term advocates with lived experience, including representatives of RABs, do consent to sharing their wisdom about best practices for engaging underserved populations, they should be fairly compensated. These advocates have deep expertise in community engagement. Program participants will need their support to design the most appropriate engagement model and workshop outreach strategies. In addition to compensating core advocates with lived experience who serve as advisors, HUD should stress that it is appropriate for agencies to compensate people who participate in community engagement activities for their time, as well as for expenses needed to participate including



travel costs, meals, and child or dependent care. HUD should include these costs in all budget estimates related to the projected cost of completing an Equity Plan; clarify what sources of federal funding, including other program's budgets for administrative costs, can be used to compensate people with lived experience who advise on or participate in community engagement efforts;<sup>8</sup> and advise program participants on payment methods that do not jeopardize eligibility for or access to benefits.

### **III. Technical Assistance HUD Should Provide Program Participants to Support the Community Engagement Process**

As mentioned above, robust community engagement in the planning process requires program participants to undertake outreach, build trust, and engage with underserved populations in new ways. Technical assistance reduces the learning curve involved and increases the odds of successful engagements. In this section, CLASP outlines training, subregulatory guidance, and other materials that HUD should provide to program participants to support them in implementing parts of the rule related to community engagement. HUD can consult with program participants early to assess what additional resources would be helpful in designing community engagement models and encourage them to get started.

HUD should create a virtual community engagement hub to house all advice, resources, and guidance and update it regularly as additional materials are created or identified. The hub should be supplemented with a facilitated community of learning among program participants. Community engagement should not be viewed as just another administrative burden because it is integral to creating effective policy, but it does require significant labor, time, and intention. Program participants will need to innovate, rethinking traditional planning processes. HUD should curate space for program participants to share lessons learned and ask each other questions during the planning process.

**Compile and widely share general resources about equitable community engagement.** In the past decade, nonprofits, agencies, and other groups have documented and compiled lessons learned from community engagement efforts. These resources should be widely shared among program participants. By sharing best practices that make directly impacted people feel secure and respected, HUD will reduce labor spent independently researching and establish a standard for equitable engagement. Examples can be found on the Office of the Assistant Secretary for Planning and Evaluation within the Department of Health and Human Services's website<sup>9</sup> and the Urban Institute's Community Engagement Resource Center.<sup>10</sup> Some other resources with more general advice include:

- Tamarack's 10: Engaging People with Lived/Living Experience<sup>11</sup>
- Chicago Beyond's Why Am I Always Being Researched?<sup>12</sup>
- Urban Institute's Fostering Partnership for Community Engagement: Community Voice and Power Sharing Guidebook<sup>13</sup>

- Atlanta Community Engagement Playbook<sup>14</sup>

**Develop explainers on different types of community engagement models and strategies.** There are several community engagement models, many of which have not yet been researched or named. Below is a non-exhaustive list of decisions that program participants will face while designing their community engagement model. To help program participants determine the appropriate model for their planning process, HUD should develop resources that explain, categorize, and assess all options, which include but are not limited to:

- *Repeat v. One-Time Engagement.* Repeat engagement requires working with the same group of people over the course of several meetings (e.g., an advisory board<sup>15</sup> or task force). Conversely, one-time engagement is a single interaction with a group (e.g., a focus group or a public hearing). Some level of repeat engagement is likely necessary to fulfill the proposed rule's requirement, as working with the same group enables people to provide input at all stages of the planning process. However, program participants may want to consult with larger percentages of the community before certain decisions are finalized. One-time engagement can be useful for mass data collection, but program participants must be careful to create an environment that feels meaningful rather than exploitative. Governments have a history of mining underserved communities for information then failing to deliver solutions. For these reasons, CLASP strongly recommends that one-time engagement be used sparingly; program participants should instead be encouraged to experiment with repeat engagement strategies.
- *Large v. Small Group.* What defines a large or small group depends on other aspects of the community engagement model and place-based context. For example, in CLASP's experience with repeat, city-wide engagement over video call, more than 15 people felt like a large group; we had to use break out rooms and other interactive features to ensure that everyone could contribute. But for an in-person repeat engagement model like a task force, 15 people may be considered small. Small groups can empower community members to form stronger relationships amongst themselves and with staff. If program participants decide to engage with a large group at any point in the planning process, they should plan to split into smaller groups for more robust discussion. It is often necessary to form subgroups in order to co-create sustainably. Well-organized working groups with a clear charge can lead to more consistent power-sharing with the community. In general, program participants should avoid replicating the structure of public hearings, which CLASP feels is rightfully discouraged in the proposed rule.
- *Shared v. Diverse Experience.* While the community engagement process as a whole should incorporate diverse perspectives, it is sometimes more effective to have separate meetings designated for people with a specific role or life experience, rather than open to "the public" at large. Prior to designing the community engagement model, program participants must determine what identities or experiences they hope to center within the large universe of people who have been denied fair housing. Centered populations will likely include members of

protected classes and underserved groups who live in their jurisdiction. For people who navigate systematic oppression daily, it can be more generative, dynamic, and safe to be surrounded by others who have shared experiences. CLASP strongly recommends that program participants incorporate closed meetings and other opportunities exclusive to centered populations into their community engagement model. With this foundation of peer support, people who are impacted by fair housing issues will more readily express their opinions, including in discussions with people from diverse and/or privileged backgrounds.

- *Virtual v. In-Person.* It is important for program participants to offer virtual and hybrid opportunities for people to provide input. That being said, many activities and facilitation techniques that work well in-person do not translate to video or conference calls. Program participants will likely need to produce different materials for different meeting formats. It may be useful for HUD to publish a checklist of items to consider when planning a virtual event for the community. HUD should also be prepared to support program participants on an ongoing basis as they navigate virtual or hybrid events.

**Explain different recruitment strategies and develop sample resources.** Recruiting underserved populations will be challenging for most program participants. Understandably, distrust of government runs deep among generations of people who have been systematically denied access to resources. To recruit a diverse group of people from underserved populations, program participants will need to employ a variety of strategies. One example of a strategy is mass distribution, where the goal is to get information about an opportunity in front of as many eligible people as possible. This strategy could involve hanging up flyers at all food pantries or attending community meetings that already exist to invite people to additional conversations. A different strategy would be contracting with a single community-based organization to recruit from their membership base. HUD should explain the benefits and drawbacks of these approaches and explain additional recruitment strategies that program participants could pursue.

Sample resources that HUD could produce to support recruitment include:

- *Example eye-catching and concise flyers.* CLASP has found success with mass distribution by condensing the most important information about projects to a flyer. Our flyers lead with an attention-grabbing question and details the project's purpose, eligibility, expectation for participants, including time commitment, compensation, and contact information. We then distributed these flyer to all community-based and direct service organizations that may interact with people who we want to participate in our projects. In our experience, community-based partners have sent flyers out on multiple listservs and pinned them on bulletin boards at food pantries, group homes for youth, and public schools; eventually, people who were eligible to participate began to share it casually among families and friends. Flyers are also useful for in-person tactics like door-knocking or canvassing, which can lead to even greater participation.

- *Example scripts for effective and culturally-competent canvassing.*
- *Simple, one-page explanations of HUD's obligation to affirmatively further fair housing, the Equity Plan, its purpose or goals, and the process for developing it.*
- *Sample surveys to collect demographic information, rank fair housing priorities, and collect other useful data.*

**Crowdsource and design a network map of community-based groups with close connections to protect classes and underserved communities to support recruitment efforts.** CBOs that focus on housing justice include tenant unions, tenant associations, and resident groups. There are also several organizations that incorporate housing justice into a broader policy agenda. Groups that provide direct services like legal aid and or local mutual aid networks may also be appropriate to include on this network map. The Stop Eviction Network created a network map for the state of North Carolina that serves as an example.<sup>16</sup> In addition to supporting program participants in recruitment, this map will help HUD enforce the final rule's community engagement requirements and, in the long-term, build out the infrastructure for HUD to have direct communication with CBOs.

**Create an orientation checklist to onboard directly impacted people into community engagement efforts.** Especially if HUD does not increase the number of required meetings, program participants will need to adequately prepare people to participate in the engagement process. Orienting community members involves communicating the goal of the engagement process, how it will impact the Equity Plan, and expectations for participants. People also deserve ample time to ask questions, clarify expectations, and suggest improvements to the community engagement process that has been designed.

**Produce lists of questions to help program participants plan meetings with the community.** Some program participants may struggle to move away from the traditional public hearing format. Examples of general questions to support program participants plan all meetings include:

- What is the purpose of this meeting?
- Whose perspective should be centered, and how do we ensure that happens? For example, should this meeting be closed?
- What information do we need to share so everyone has the same foundational knowledge of this issue?
- How will the information collected during this meeting affect the planning process? Are we accurately portraying this impact to participants?

HUD could also provide specific questions to help program participants design meetings that accomplish the 5 goals listed on page 4. An example question for the 3rd goal, set and prioritize fair housing goals, is: "Do the discussion questions or activities we've prepared let the community decide

what is practical?”. When setting fair housing goals, program participants must create a meeting environment that values imagination, not their interpretation of what is practical. HUD should consider developing a list of questions to guide program participants through the process of creating a community engagement strategy that accomplishes each of the 5 goals.

**Outline sources of funding that program participants can tap into to compensate CBOs or core advocates for their support with outreach, recruitment, facilitation, and/or general advice.**

**Outline sources of funding that program participants can use to pay people from protected classes or underserved populations who participate in community engagement efforts.**

**Crowdsource and create an online library of relationship-building activities; indicate whether each activity is more appropriate for an in-person or virtual meeting, large or small group, etc.**

**Compile and develop resources to support training for community members.** An example of the types of resources that should be provided is the “Policy 101” training developed by CLASP’s Youth Policy Team. This interactive workshop aims to demystify policy, introduce the concept of systems of power and their influence on policy, preview the basic elements of a policy agenda, and provide participants the opportunity to draft an abbreviated advocacy plan for an issue that they care about. A virtual, self-paced, and asynchronous version of the Policy 101 workshops that includes virtual discussion boards, videos, and online activities is available.<sup>17</sup>

#### **IV. Conclusion and Other Comments Signed Onto by CLASP**

Thank you again for this opportunity to comment on the proposed rule. With the changes and technical assistance outlined in this comment, we believe that HUD can produce a comprehensive, community-oriented AFFH regulation that prioritizes quality of engagement. Although community engagement involves significant labor, time, and preparation, it should not be viewed as just another administrative burden. For a detailed explanation of CLASP’s perspective on areas of the rule other than community engagement, please see the comments submitted by the Housing Justice Network led by the National Housing Law Project; the National Women’s Law Center; and the National Fair Housing Alliance.

Please contact Jesse Fairbanks at [jfairbanks@clasp.org](mailto:jfairbanks@clasp.org) with any questions or responses to this comment.

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<sup>1</sup> E.O. 13985 of Jan 20, 2021, <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>2</sup> One example of an activity that encourages smaller groups of people to engage and share knowledge with each other is a gallery walk. Program participants could set up multiple charts, graphics, or other visuals around

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the room and have community members travel around in small groups to learn about and reflect on them. “Gallery Walk,” Teacher Toolkit, <https://www.theteachertoolkit.com/index.php/tool/gallery-walk>.

<sup>3</sup> One racialized rule that limits diversity on Resident Advisory Boards is federally mandated screening processes. In addition to the screening tests that are federally required, PHAs and project owners can create their own. These screening tests are used to determine who can be admitted into subsidized housing. PHAs and project owners are instructed to deny households where the PHA or property owner has reason to believe that a household member’s historical or current abuse of illegal drugs or alcohol “may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents”. In practice, this screening test gives jurisdictions broad discretion to exclude formerly-incarcerated individuals and their families from subsidized housing. Therefore, people with criminal records are not universally represented on Resident Advisory Boards. Kim Johnson, *Housing Access for People with Criminal Records*, National Low Income Housing Coalition, 2021, [https://nlihc.org/sites/default/files/AG-2021/06-07\\_Housing-Access-Criminal-Records.pdf](https://nlihc.org/sites/default/files/AG-2021/06-07_Housing-Access-Criminal-Records.pdf); Selena Muñoz-Jones and Emily Widra, *How your local public housing authority can reduce barriers for people with criminal records*, Prison Policy Initiative, 2023, <https://www.prisonpolicy.org/blog/2023/02/15/publichousing/>.

<sup>4</sup> Sonya Acosta AND Erik Gartland, *Families Wait Years for Housing Vouchers Due to Inadequate Funding*, Center on Budget and Policy Priorities, 2021, <https://www.cbpp.org/research/housing/families-wait-years-for-housing-vouchers-due-to-inadequate-funding>.

<sup>5</sup> The Pittsburgh AFFH Task Force convened by the Pittsburgh Commission on Human Relations (PCHR) is an example of an operationalized task force. PCHR invited advocates representing underserved communities, fair housing attorneys, community-based organizations and individuals who are directly impacted by fair housing barriers to join this task force. Once onboarded and oriented, members formed subject-matter committees to evaluate data, identify fair housing barriers and disparities, and compile policy recommendations. The Task Force held five AFFH overview sessions for the public at various times and at different locations on the bus lines, with targeted outreach to underserved populations and community leaders. These educational sessions included summaries of AFFH, the fair barriers and disparities identified by the Task Force committees, and potential policies to address them. Presentations were followed by a detailed Q&A, where attendees informed Task Force members of additional barriers they experienced, responded to the policies identified by the Task Force, and recommended additional policies. The Task Force committees then used the public’s feedback to draft detailed policy recommendations. After the recommendations were complete, a second round of five community feedback sessions was held to review the draft policies and obtain community suggestions for revisions and additions. The recommendations were revised an additional time before finalized at a public meeting.

“Affirmatively Furthering Fair Housing Task Force,” *City of Pittsburgh*, updated October 12, 2018, <https://pittsburghpa.gov/chr/affh/>. An example invitation to one of these community meetings can be found at the following link. Fair Housing Task Force - Pittsburgh, “Fair and Affordable Housing: Community Feedback Session,” *Facebook*, October 11, 2018, <https://www.facebook.com/events/478743499312142/?ref=newsfeed>.

<sup>6</sup> In Kansas City, MO, officials pursued a more informal repeat engagement strategy. City officials hosted several public meetings where “neighbors talked to neighbors” in small group discussions with discussion questions. To ensure that everyone in the community was invited, officials canvassed neighborhoods with high populations of people who are underserved or members of protected classes. You can hear more about Kansas City, MO’s approach to repeat engagement in the following video, around minute 50. Coleman McClain and Gloria Fisher, “How 3 Communities are Implementing HUD’s Affirmatively Furthering Fair Housing Rule: AFFH for City of Kansas City, MO and Metro Region,” *PolicyLink*, 2017, <https://www.youtube.com/watch?v=yA-dJXeLgfk>.

<sup>7</sup> HUD may be able to learn from Medicaid implementation in overcoming transportation barriers. *Transportation & Health Access: Where Are We Now and Where Can We Go?*, Health Outreach Partners, <https://outreach-partners.org/wp-content/uploads/2017/02/Transportation-Resource-Booklet.pdf>; Yochai Eisenberg and Randall Owen, *Rideshare Transportation to Health Care: Evidence From a Medicaid Implementation*, 2020, <https://www.ajmc.com/view/rideshare-transportation-to-health-care-evidence-from-a-medicaid-implementation>.

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<sup>8</sup> On flexibilities that HUD can seek to open funding sources for community engagement, the Environmental Protection Agency (EPA) recently interpreted federal grant policy to permit stipends for childcare at community meetings; see page 34 of the following resource. *EPA Subaward Policy Frequent Questions*, Environmental Protection Agency, 2023, [https://www.epa.gov/system/files/documents/2023-04/epa\\_subaward\\_policy\\_frequent\\_questions.pdf](https://www.epa.gov/system/files/documents/2023-04/epa_subaward_policy_frequent_questions.pdf); EPA also received authority to compensate individuals participating on advisory committees under the Inflation Reduction Act Environmental and Climate Justice Block Grants (section 60201), which lists as an eligible activity “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” CLASP recommends communicating with EPA to learn more.

<sup>9</sup> “Engaging People with Lived Experience to Improve Federal Research, Policy, and Practice,” *U.S. Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation*, <https://aspe.hhs.gov/lived-experience>.

<sup>10</sup> Community Engagement Resource Center, Urban Institute, <https://www.urban.org/research-methods/community-engagement-resource-center>

<sup>11</sup> Alison Homer, *10 Engaging People with Lived/Living Experience: A Guide for Including People in Poverty Reduction*, Tamarack Institute, 2019, <https://www.tamarackcommunity.ca/hubfs/Resources/Publications/10-Engaging%20People%20With%20LivedLiving%20Experience%20of%20Poverty.pdf>.

<sup>12</sup> *Why Am I Always Being Researched? A Guidebook for Community Organizations, Researchers, and Funders to Help Us Get from Insufficient Understanding to a More Authentic Truth*, Chicago Beyond, 2018, [https://chicagobeyond.org/wp-content/uploads/2019/05/ChicagoBeyond\\_2019Guidebook\\_19\\_small.pdf](https://chicagobeyond.org/wp-content/uploads/2019/05/ChicagoBeyond_2019Guidebook_19_small.pdf).

<sup>13</sup> Jessica Shakesprere, Matthew Mizota, Rod Martinez, Hannah Daly, and Elsa Falkenburger, *Fostering Partnerships for Community Engagement*, Urban Institute, 2021, [https://www.urban.org/sites/default/files/publication/104935/fostering-partnerships-for-community-engagement\\_0.pdf](https://www.urban.org/sites/default/files/publication/104935/fostering-partnerships-for-community-engagement_0.pdf).

<sup>14</sup> *Atlanta Community Engagement Playbook*, Atlanta Office of Zoning & Development and Resident Partners, <http://ourcommunity.is/engaged/>.

<sup>15</sup> Diane Arnos, Edward Kroll, Emma Jaromin, Hannah Daly, and Elsa Falkenburger, *Tools and Resources for Project-Based Community Advisory Boards*, Urban Institute, 2021, [https://www.urban.org/sites/default/files/publication/104938/tools-and-resources-for-project-based-community-advisory-boards\\_0.pdf](https://www.urban.org/sites/default/files/publication/104938/tools-and-resources-for-project-based-community-advisory-boards_0.pdf).

<sup>16</sup> Resource Map, Stop Evictions Network, <https://stopevictions.network/resources/>.

<sup>17</sup> “Policy 101 Course,” CLASP, <https://youth-team.teachable.com/p/policy-101>.