

Community Planning and Public Participation

A Handbook for Advocates and Community Residents

2016

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Fair Housing

Fair housing is the right for all people to live where they choose, have equal access to housing (which includes finding housing, purchasing, renting, and selling housing) and enjoy the full use of their homes without unlawful discrimination, interference, coercion, threats, or intimidation by owners, landlords, real estate agents, banks or any other persons.



The Fair Housing Act is a federal law that was enacted in 1968 and expanded by amendments in 1974 and 1988 establishing the equal right to housing for all. The U.S. Department of Housing and Urban Development is responsible for enforcing this law.

The Fair Housing Act makes it illegal to discriminate in the **selling, buying, renting, financing, and insuring** of housing as well as **zoning** based on a person's protected class status.

OTHER PROTECTIONS

In addition to the **Fair Housing Act**, state and local laws also exist with protections for other groups that may be subject to housing discrimination.

Please refer to the table on the next page for the list of protected classes defined by the **Federal Fair Housing Act**, the **Illinois Human Rights Act**, and the **Cook County Human Rights Ordinance**.



FAIR HOUSING PROTECTIONS FOR ILLINOIS RESIDENTS BASED ON FEDERAL, STATE, AND LOCAL CIVIL RIGHTS LAWS

Protected Class	Fair Housing Act	Illinois Human Rights Act	Cook County Human Rights Ordinance
Race			
Color			
Religion			
National Origin			
Sex			
Familial Status			
Disability			
Ancestry			
Age			
Marital Status			
Military/ Veteran status			
Sexual orientation			
Unfavorable military discharge			
Order of protection status			
Source of income			
Gender identity			

FAIR HOUSING AND COMMUNITY DEVELOPMENT

The right to fair housing also often overlaps with broad issues of community development. Along with prohibiting discrimination and ensuring that basic housing needs are met, furthering fair housing can also include decisions and policies that impact entire communities.

The choices jurisdictions make about **zoning, land use, and infrastructure projects** can all further—or create barriers to—fair housing. As a result, when assessing your community's fair and affordable housing needs, you should also think about who has access to what opportunities in your community.

Making Connections

Consider the following:

- A community has adequate affordable housing stock but this affordable housing lacks water or sewer connections
- A community has multifamily rental housing, but the area around this housing lacks safe sidewalks or adequate street lighting
- A substance abuse service provider expresses the need for a residential facility within a community, but zoning codes do not permit this type of development
- A community whose primary residents are people of color is bordered by a highway with no safe crossings

Removing or mitigating barriers, such as those outlined above, can improve fair housing access and choice in your community.

AFFIRMATIVELY FURTHERING FAIR HOUSING

Recipients of certain types of federal funds, including CDBG grants, are required to certify that they will **Affirmatively Further Fair Housing**.

Jurisdictions with this requirement are referred to as “**entitlement jurisdictions.**”

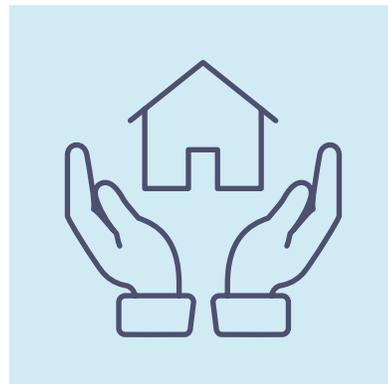
Affirmatively Furthering Fair Housing requires jurisdictions to take proactive steps beyond simply combating discrimination to foster inclusive communities and access to community assets for all persons protected by the Fair Housing Act.

Under the **Affirmatively Furthering Fair Housing** rule (“AFFH”), entitlement jurisdictions must take meaningful actions to address disparities in housing needs and access to opportunity.

Affirmatively Furthering Fair Housing can include actions such as:

- **Integrating** segregated neighborhoods and communities;
- **Transforming** racially and ethnically concentrated areas of poverty into areas of opportunity; and
- **Fostering and maintaining** compliance with civil rights and fair housing laws.

Many of these activities can be accomplished through the appropriate use of **CDBG, HOME, ESG, and HOPWA** funds. As such, it can be important to approach AFFH and the community planning processes for such grants in a holistic manner.



Community Development

The Community Development Block Grant (CDBG) program, one of the longest running programs of the U.S. Department of Housing and Urban Development, funds local community development activities such as affordable housing, anti-poverty programs, and infrastructure development. According to federal regulations, projects funded by the CDBG program *must* benefit low- and moderate-income persons.

The CDBG program allows each individual community to decide the best way(s) to use the grant funds. The block grant allows communities to fund a wide range of locally driven projects which meet specific community needs.

In communities across the country, CDBG funds have been used to:



Develop affordable housing



Create accessible rental housing for people with disabilities



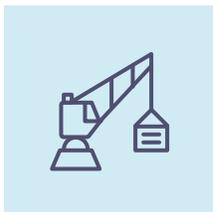
Connect communities to city sewer and water systems



Construct emergency shelters and/or expand homeless services



Rehabilitate homes in low-income areas and provide emergency home repairs



Demolish vacant or deteriorating buildings



Implement mortgage foreclosure prevention programs



Upgrade infrastructure (sidewalks, streets, etc.)



Implement job training programs



Develop parks, community centers, and other resource centers

PUBLIC PARTICIPATION IN THE CDBG PLANNING PROCESS

Public participation is vital to the CDBG planning process. CDBG funds are best able to meet community needs when concerned citizens and community organizations guide the process. Research conducted by HUD shows that CDBG-funded projects have a better chance of success when local stakeholders are involved from the beginning.



Your community will have a **Citizen Participation Plan** which provides details about how, where, and when citizens can provide comment and participate in the planning process.

Some public participation rules are universal:

Residents must be given a reasonable opportunity to be a part of CDBG activities from beginning to end. Public hearings are required at every stage of the process; this allows residents to provide input regarding which projects should be funded. Residents should also have the opportunity to assess and evaluate the success of projects.

Residents must be given adequate notice of public participation opportunities and public hearings must be scheduled in reasonable locations and at reasonable times. Public notice of hearings might be posted in the newspaper; on the official county, village, city, or town website; or on flyers in your community well in advance of the actual hearing. The community should schedule hearings in accessible locations and at times least likely to conflict with work schedules.



For example, in a community where many low- and moderate-income people work during the day and use public transportation, the public hearing should not be held during working hours or at a location far from public transportation.

PLANNING CDBG PROJECTS FOR YOUR COMMUNITY

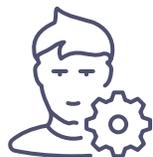
As CDBG funds can be used in a variety of ways, it is important to think about what the community already has, what the community needs, and what the people in your community want to see happen.



If renters in your community pay a large portion of income toward rent, the community may need more affordable rental housing. Affordable housing options close to employment and transit centers help the workforce remain stably housed and employed.



If many low-income people own their own home, but struggle to pay for repairs, the community may need housing rehabilitation assistance.



If the community has high unemployment rates, a job or workforce training program may best meet the community needs. If there is a manufacturing center near the community, the job or workforce training can be targeted to developing manufacturing skills.

It is crucial that those who may benefit from proposed programs are involved in the planning process. As a community advocate, you can help ensure that those you serve have a voice in this process through organizing residents, providing information, and connecting residents to the planning or legislative process.

To start, look at the data for the community and organize and engage residents, identify challenges residents are facing, and talk about solutions and how CDBG funds can be part of that solution. Bring those solutions to local planning meetings to make sure community needs are being met.

HAS, NEEDS, WANTS WORKSHEET

My Community Has	My Community Needs	My Community Wants

OTHER FEDERAL COMMUNITY DEVELOPMENT FUNDS

The HOME Investment Partnerships Program (“HOME”) is a federal block grant program that provides funding to states, counties, and municipalities to be used for affordable housing activities that benefit low-income households. Unlike the Community Development Block Grant (“CDBG”) program, HOME funds may *only* be used to assist low-income and very low-income people and households. HOME projects are unique in that they exclusively benefit people earning 80% or less of Area Median Income (“AMI”).

Projects funded by HOME generally fall into one of the following categories:

- rehabilitation of owner-occupied housing;
- assistance to home buyers;
- acquisition, rehabilitation, or construction of rental housing; and/or
- tenant-based rental assistance.

Jurisdictions receiving HOME funds have a great deal of flexibility in their decisions about which projects to fund. The funds are intended to assist communities with local affordable housing needs, and as a result, public participation and citizen advocacy is a valuable part of the HOME planning process. By participating in the process, you can make sure that HOME funds are being used to target the biggest housing problems faced by low-income and very low-income people in your community.

The Emergency Solutions Grants (“ESG”) program provides funding to assist people and families who are homeless and to prevent homelessness.

ESG funds are used by recipients and subgrantees to:

- engage homeless individuals and families living on the street;
- improve the number and quality of emergency shelters;
- provide essential services to shelter residents;
- rapidly re-house homeless individuals and families; and
- prevent families/individuals from becoming homeless.

OTHER FEDERAL COMMUNITY DEVELOPMENT FUNDS

Emergency Solutions Grants, continued: Communities decide how to allocate ESG funds through the consolidated planning process.

To shape the use of ESG funds in your community, you can participate in the citizen participation process of the Consolidated Plan. As in the case of the CDBG planning process, the consolidated planning process must involve public participation and comment at all stages. Jurisdictions are also required to consult with the local **Continuum of Care**—a planning body that coordinates homeless services and homeless prevention.

The Housing Opportunities for Persons with AIDS (“HOPWA”) program provides funds for housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. Like the programs discussed above, HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs.

Uses of HOPWA include, but are not limited to:

- the acquisition; rehabilitation; or new construction of housing units;
- costs for facility operations;
- rental assistance; and
- short-term payments to prevent homelessness.

Importantly, HOPWA funds can also be used to fund supportive services for people living with HIV/AIDS, including case management, care coordination, and education/job training.



WHEN CAN I PARTICIPATE?

Public participation opportunities occur in the following sequence:

- **CDBG, HOME, HOPWA & ESG Grants are awarded to state or local jurisdiction**
- **Jurisdiction drafts Consolidated Plan (“Con Plan”)**
Open for public comment. Drafted every 5 years. Lays out which community issues will be addressed over the next few years.
- **Jurisdiction drafts Annual Action Plan**
Open for public comment. Drafted every year to carry out actions and activities based on the Consolidate Plan.
- **Jurisdiction drafts Consolidated Annual Performance and Evaluation Report (“CAPER”)**
Open for public comment. Provides and evaluates annual information on program accomplishments.

HOW CAN I GET INVOLVED?

Research

- Review your jurisdiction’s Con Plan, Annual Action Plan, and CAPER. Every community is different, but you can often access these documents on your community’s website or by directly contacting the entitlement jurisdiction in question.
- Look for public hearing dates and public comment periods on jurisdiction websites and the local paper.

Take Action!

- Show up at public hearings
- Write public comment letters



Public Participation

The new AFFH rule published by the Department of Housing and Urban Development encourages the involvement of local groups and individuals in the planning process. One of the most effective methods to be involved in the planning process is to publicly comment at meetings.

Providing comment at a public hearing is a powerful way to participate in the community planning process. Cities, counties and public housing agencies are **legally obligated** to set aside time for members of the public to speak directly to decision makers to voice their concerns, opinions, and recommendations on the implementation of proposed policies and programs for the jurisdiction or agency.

This process is generally referred to as a **public comment period**. A common way to present your community needs and/or project funding priorities is to speak during a public hearing.



Preplan your comments. If you choose to speak during a public hearing, consider writing an outline, and practicing your comments in advance. This is not a formal presentation, but clarity and coherence can help get your point across. But do not feel inhibited from speaking if you did not have time to plan in advance!



Consider coordinating comments. If you are working with a community organization, a coalition, or informal group of advocates, planning comments together can enable the group to address a wider range of issues—each person can address a different aspect or element. For example, one person could talk about your community needs, sharing data and needs assessment results; another person could provide examples of successful projects in other communities; and someone else could address any misconceptions about the types of projects you'd like to see. This strategy can be particularly effective in hearings where individual comments are time limited.

PUBLIC PARTICIPATION, CONTINUED

You don't have to speak to have your voice heard. Public comment can take many forms—if you are uncomfortable speaking in public or unable to attend the public hearing, you can still participate in the process.



Cities, counties and PHAs accept written comment (handwritten, typed, or even emailed) in addition to testimony presented during a hearing. Even if your jurisdiction does not have a formal written comment policy, consider sending or emailing your comments to the decision-making body. Keep in mind that you may need to submit your comments by a certain date in order for them to be considered.



If you are part of a coalition or even an informal group of advocates, one person may speak for the entire group or coalition. During the comment, the speaker should highlight that she or he is representing a community organization, a group of concerned citizens, or other coalition. Depending on the context, the speaker may want to ask group members in the audience to identify themselves by a show of hands or by standing. This can be an effective way to demonstrate the size of the group. Similarly, written comments can be submitted as a group.

QUICK TIPS FOR PUBLIC COMMENT

Think about ways to present your proposals as a community asset. What needs assessment results, data, or research best support your plan? How can you make your argument compelling for people who may not agree with you initially?

Learn about any local rules for comment. Do you need to register to speak? [Often times there is a sign-in sheet for people to “register” who will speak that day] Will you have a limited time for comment? How long will the public hearing last?

Plan what you’re going to say. How can you best present your community needs? Can you coordinate with other advocates to cover a wider range of topics?

Try to speak (or write) clearly. How can you present your ideas in a way that is easiest to understand? What will other commenters and decision-makers already know? What terms or acronyms might be unfamiliar to them?

Plan for opposition. How will you approach commenters (or decision-makers) who disagree with you or say distasteful or discriminatory things?

Offer to follow up after the meeting. How can you assist with the process going forward? Can you provide additional information to decision-makers or other speakers after the hearing?

Remember that your ideas and participation are important. Public participation is vital to the planning process—even if your testimony or comment is not perfect, you have played an important role in this process!



*Remember all comments made will be part of the public record.

DEALING WITH DISCRIMINATION & DISCRIMINATORY COMMENTS

At public hearings—particularly those involving assistance for low- and moderate-income people—members of the public or even decision-makers may say something discriminatory or offensive. In many communities, people of color and people with disabilities are more likely to be in need of services due to discrimination and barriers to locating safe, affordable housing; education and training; employment or other sources of income; and other forms of assistance.



These challenges and barriers can be the product of intentional discrimination (past and present) or due to seemingly neutral policies which may have a disproportionate negative impact.

Furthermore, many community members and decision makers are inclined to make assumptions about who would benefit from certain services or policies.

For example, on a proposal to expand low-income housing in a community, some community members might conclude that such a proposal would only benefit people of color who live in the area, even though white residents, would in fact make up a greater share of beneficiaries.

As such, **identifying discriminatory statements** and **planning your response** can be an important part of preparing for a public hearing and advocating for your community. It is important to be able to identify discriminatory statements, keep track of who is supporting discriminatory views, and plan responses that will be impactful and lead to real changes.

Sometimes people make **explicitly discriminatory statements**—for example, they might say, “we don’t want to fund this project because it will serve families with children, which will increase the burden on schools.” However, people more commonly use **code words** to refer to members of protected classes.



DEALING WITH DISCRIMINATION & DISCRIMINATORY COMMENTS

The following statements can be examples of “coded” communication:

- “Affordable housing will cause a decline in our **property values.**”
- “This project will place a **burden on our schools.**”
- “If we fund this, **criminal activity** will increase in our neighborhoods.”
- “We already have **enough affordable housing**—this would be a better fit for another community.”
- “You’re turning our neighborhood into a ghetto.”
- “This project will change the **character** of our community.”
- “We moved here to avoid **urban problems.**”
- “I’m just concerned about the **safety** of my children.”
- “I’ve worked hard to afford to live in this community—those people don’t **deserve** to live here.”
- “[Members of racial/ethnic minority groups, families with children, people with disabilities, people of a certain national origin, recipients of public benefits, etc.] **would feel more comfortable in a different neighborhood.**”
- “Where will the people living in those developments **shop?**”

Remember: this is an opportunity for public comment, not a cross examination it is not necessary to respond to statements made by other speakers, particularly if they are hostile.

DEALING WITH DISCRIMINATION & DISCRIMINATORY COMMENTS

If you decide to address or engage with another speaker or their comment:



Try to maintain the upper-hand. It can be tempting to respond with a personal attack—particularly when the other person is making discriminatory statements or perpetuating myths about population groups that you identify with (i.e. low income, Hispanic, African American, single mothers)—but this can undermine the strength of your argument.



Use facts, research, data, and personal experience to support your argument. This is a great time to use information from your needs assessment, Census data for your community, or research from our resources guide. For example, if another speaker says that your area already has too much affordable housing, you could highlight how Census data shows that more than half of low-income renters in your community are severely cost burdened.



Acknowledge that you may not be sure of the answer. If you aren't sure of a fact or figure, give yourself permission to say, "That's a good question. I don't know the answer right now," and offer to follow up. It's better to follow up than to provide inaccurate information.



Document discriminatory statements. If decision-makers make discriminatory statements—or agree with a speaker who makes a discriminatory statement—write down the statement, note the person who made the statement, and the approximate time of the statement. Your documentation can prove important in addressing discrimination in your community. After the meeting, you can bring this information to the attention of fair housing and advocacy organizations to determine what further action can be taken.

If you are interested in learning more or organizing support around a particular initiative or community need, fair housing advocates are able to assist. Please reach out to any of the contributors listed on the next page.

Contributors

This guidebook was produced as part of a Fair Housing Initiatives Program grant from the U.S. Department of Housing and Urban Development.

The following organizations contributed to the creation of this guide:

Chicago Area Fair Housing Alliance

CAFHA is a non-profit consortium of fair housing and advocacy organizations, government agencies, and municipalities committed to the value of fair housing, diversity, and integration. CAFHA works to combat housing discrimination and promote integrated communities of opportunity through education, advocacy, and collaborative action.

Chicago Lawyers' Committee for Civil Rights Under Law

The Chicago Lawyers' Committee for Civil Rights Under Law (CLC) is a non-profit legal organization that protects civil rights, promotes racial equity, and strengthens communities impacted by poverty and racial disparity through the power and the promise of the law. CLC builds meaningful alliances with Chicago communities and legal organizations to offer training, education, and develop community-based solutions to further the cause of civil rights. It was formed in 1969 as the public interest consortium of Chicago's large law firms.

HOPE Fair Housing Center

HOPE Fair Housing Center works to ensure everyone has the chance to live in the community, home, or apartment of their choice free from discrimination based on race, color, religion, national origin, sex, disability, familial status, or any other characteristics protected under state or local laws. HOPE accomplishes this work through education, outreach, enforcement, training, and advocacy throughout its primary service area in northern and north central Illinois.

Open Communities

Open Communities' mission is to educate, advocate and organize to promote just and inclusive communities in north suburban Chicago. We are a leading voice for housing, economic and social justice in north suburban Chicago, working to promote inclusive communities that are welcoming to all. We work with current and prospective residents and local groups to promote economically and culturally diverse communities in north suburban Chicago. We provide fair and affordable housing counseling services, community education, advocacy, and organizing for welcoming communities.

The Sargent Shriver National Center on Poverty Law

The Sargent Shriver National Center on Poverty Law provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty.

South Suburban Housing Center

South Suburban Housing Center (SSHC) is the private, non-profit agency, providing HUD approved fair housing and housing counseling services to the south metropolitan region. SSHC promotes and fosters long term diversity throughout the communities in its service area by working to eliminate all forms of discrimination and exploitation in the housing market.



Chicago Area
Fair Housing Alliance

