

Affirmatively Furthering Fair Housing (AFFH) General Guide



**Homes and
Community Renewal**

**Fair and Equitable
Housing Office**

Purpose of Guide

The purpose of this guide is to assist “covered housing agencies” in complying with New York State’s Affirmatively Furthering Fair Housing (“AFFH”) law (14 Pub. Hous. Law §600). The covered housing agencies are comprised of:

- i. Any New York State (“NYS”) department, agency, or office administering housing and community development laws or programs;
- ii. All Public Housing Agencies (“PHAs”);
- iii. Any localities receiving funds from any state department, agency or office to administer programs related to housing and community development.

This guide contains:

- i. A summary of the history and major components of AFFH;
- ii. An outline of the provisions and reporting requirements of NYS’ AFFH law;
- iii. Appendices with:
 - a. Examples to assist each covered housing agency with undertaking initiatives, policies, and actions to AFFH;
 - b. A public participation guide to assist each covered housing agency with engaging the public in a manner that AFFH.

NYS Law AFFH Requirements

History

The duty to “affirmatively further fair housing” was first established in the passage of the federal Fair Housing Act of 1968. The Act made discrimination in housing illegal and placed a duty on recipients of federal funds to administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers fair housing. In December of 2021, New York State enacted to codify and further define the duty to AFFH into NYS law (14 Pub. Hous. Law §600).

AFFH Law

The NY State AFFH law amends the State Public Housing Law by adding an article obligating all “covered housing agencies” to:

- i. Administer housing and community development laws, programs, and activities in a manner that affirmatively furthers fair housing and cooperate with the commissioner to further such purpose;
- ii. Take meaningful actions to:
 - a. Eliminate disproportionate housing needs;
 - b. Reduce disparities in access to opportunity;
 - c. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs);
 - d. Enforce and maintain compliance with the New York State Human Rights Law (NYSHRL), prohibiting housing discrimination;
 - e. Engage the public in the development and advancement of fair housing policy;
- iii. Take no action that is materially inconsistent with the obligation to AFFH.

Covered Housing Agencies include:

- i. Any NYS department, agency, or office administering housing and community development laws or housing and community development programs;
- ii. All Public Housing Agencies;
- iii. Any localities receiving funds from any state department, agency or office to administer programs related to housing and community development.

Reporting Requirements

The NYS AFFH law has several reporting requirements. NYSHCR is the primary reporting agency to the legislature, but it relies on reporting done by each of the Covered Housing Agencies. NYSHCR will work with each of the agencies to ensure proper reporting on AFFH efforts and updates.

5 Year Reports

A report must be submitted every 5 years to the legislature detailing:

- Any significant initiatives, policies, or programs undertaken to further fair housing;
- Any recommendations for improving the state of fair housing in New York.

Years 2 and 4 Interim Reports

Progress reporting in years 2 and 4 must be conducted and must include any progress and/or any significant changes to the recommendations included in the final report.

Other Components of AFFH

Complimentary to the meaningful actions outlined in the state law, components of affirmatively furthering fair housing generally include:

- An analysis of:
 - Segregated living patterns;
 - Racial/ethnic concentrations of poverty;
 - Disparities in access to community resources;
 - Limited access for those with disabilities;
 - Limited social mobility;
 - Disproportionate housing needs among protected and vulnerable New Yorkers;
 - Siting and distribution of publicly supported and affordable housing;
 - Fair housing monitoring, enforcement & outreach.
- An examination of underlying factors that contribute to the patterns identified above;
- Community engagement;
- Undertaking efforts to address the factors identified above and reporting on such.

Example of AFFH: Source of Income Law

Promulgation of the source of income protections in the New York Human Rights Law is a concrete example of affirmatively furthering fair housing. During outreach sessions conducted by NYS Homes and Community Renewal (NYSHCR), advocates and community members repeatedly reported on the discrimination faced by Housing Choice Voucher (i.e., Section 8) holders in the rental market – although they had a means of paying rent, they were continuously being denied by landlords and property managers. While rejection based on this source of income – a voucher subsidy – is neutral on its face, the impact of this type of practice disproportionately falls on women, communities of color, people with disabilities and veterans – all classes protected under fair housing laws.

In response, New York State agencies including NYSHCR, the Division of Human Rights (NYSDHR), the Department of State (NYSDOS), and local public housing agencies (PHAs) successfully advocated to pass a law that added a person’s lawful source of income as a protected status in the human rights law. In addition, the State funds fair housing organizations to conduct “secret shopper” tests to determine when landlords are continuing these types of rejections and take enforcement actions to stop them. Taken together, this multi-pronged approach is one way to eliminate barriers to fair and equitable access to housing in line with the duty to AFFH.

How to Use the Appendices in this Guide

Attached are 3 appendices, one tailored to each type of Covered Housing Agency. The appendices detail examples of actions that can be undertaken to adhere to the Meaningful Actions detailed in the AFFH law. Additionally, where applicable, the appendices provide the reporting form to be completed as a part of the AFFH duty. Lastly, each appendix includes a list of best practices to consider when engaging with the public in order to do so in a manner that affirmatively furthers fair housing.

These appendices are organized as follows.

APPENDIX A: FOR NYS DEPARTMENTS, AGENCIES & OFFICES

APPENDIX B: FOR PUBLIC HOUSING AGENCIES

APPENDIX C: FOR STATE-FUNDED LOCALITIES

APPENDIX A: FOR NYS DEPARTMENTS, AGENCIES & OFFICES

NYS departments, agencies and offices administering housing and community development laws or programs (together the “Housing and Community Development Agencies”) must take meaningful actions to AFFH, pursuant to the New York State AFFH Law (14 Pub. Hous. Law §600).

AFFH EXAMPLES & REPORTING

The following includes general examples of actions that can be undertaken to affirmatively further fair housing, followed by examples of actions that can be undertaken specifically to adhere to the Meaningful Actions detailed in the AFFH law (listed as “A-E” below).

NYSHCR serves as the lead agency for compiling reports provided by each agency, on their efforts to AFFH. When drafting the next Assessment of Fair Housing (“AFH”), NYSHCR will collaborate with the housing and community development agencies to detail the agencies’ significant initiatives, policies, or programs undertaken in furtherance of fair housing. The examples provided below are not intended to be an exhaustive list and AFFH actions undertaken by your agency that are not listed below should still be reported.

General Examples

In addition to the many examples listed below organized by each of the AFFH Meaningful Actions, broader cross-cutting examples to AFFH can include efforts to:

- *Include items related to AFFH meaningful actions in any competitive scoring/procurement process carried out by the Agency. For example, “Describe how your proposal affirmatively furthers fair housing by overcoming patterns of residential segregation and discrimination, addressing racially and ethnically concentrated areas of poverty, reducing disparity in access to opportunity and/or eliminating disproportionate housing need among communities of color, those with disabilities and other protected classes;”*
- *For vendors and grant recipients who provide direct housing and construction services, include a self-disclosure question about whether the vendor/recipient has been named in a fair housing discrimination suit in the last 10 years (these cases are often administrative complaints that do not show up in formal Lexis searches), and establish policies and procedures to address instances in which the vendor/grant recipient has been named;*
- *Impose fair housing requirements on localities that receive Agency funding, which at a minimum could include – a requirement to designate a fair housing officer/point of contact at the municipality, a requirement to include on the municipal website, information regarding fair housing protections and how to file a complaint, and/or a requirement to conduct local fair housing trainings for landlords and residents.*

Meaningful Actions Detailed in the AFFH Law

- A. Eliminate disproportionate housing needs;
- B. Reduce disparities in access to opportunity;
- C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs);
- D. Enforce and maintain compliance with the New York State Human Rights Law (NYSHRL), prohibiting housing discrimination;
- E. Engage the public in the development and advancement of fair housing policy.

Meaningful Action Examples

A. Eliminate disproportionate housing needs.

Examples may include efforts to:

- Identify communities with disproportionate housing needs and create action plans/policies to address the needs;
- Create and/or support physically accessible housing and public facilities;
- Create or support access to capital for communities with disproportionate housing needs;
- Prioritize improvements of basic infrastructure and community assets in disadvantaged communities (e.g., parks, sidewalks, etc.).

B. Reduce disparities in access to opportunity.

Examples may include efforts to:

- Prioritize policies that increase housing choice and dismantle policies that serve as barriers to housing choice;
- Site robust community resources (e.g., strong schools, supermarkets and parks) in areas of poverty, concentrated along racial/ethnic lines;
- Notify Housing Choice Voucher (i.e., Section 8) holders of opportunities to live in well-resourced areas with assistance from housing mobility programs that may exist in their area. See NYSHCR's Making Moves Mobility program for reference.¹;
- Connect individuals, to home-ownership resources including the:
 - [SONYMA Achieving the Dream \(ATD\) program](#);
 - [SONYMA Low Interest Rate program \(LIRP\)](#)²;
- Analyze geographic distribution of community resources and work with businesses and community organizations to expand access and capital for under-resourced areas;
- Train Agency case workers, managers and navigators (as well as contractors and local administrators) to identify and provide linkages to community resources in a range of neighborhoods that may be available for the service population.

C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs).

Examples may include efforts to:

- Assess the living patterns of the Agency's service population along race, disability, and other protected class lines;
- Identify contributing factors that lead to segregated living patterns and create policies to address the factors;
- Site affordable housing opportunities in neighborhoods with robust community resources like parks and high-performing schools;
- Target the creation and preservation of homeownership opportunities in these areas.

¹ Making Moves programs aide voucher holders in overcoming barriers to moving their families to well-resourced areas by providing 1 on 1 housing search and landlord assistance, security deposits and other resources. List of available programs [here](#).

² The State of New York Mortgage Agency's (SONYMA) ATD and LIRP programs are low/competitive interest rate programs designed to maximize the amount a borrower can afford with minimal down payment requirements.

D. Enforce and maintain compliance with the NYS Human Rights Law (NYSHRL), which prohibits housing discrimination.

The federal Fair Housing Act makes it illegal for housing providers and lenders to discriminate against people because of their race, color, religion, national origin, sex, disability, or familial status. The NYS Human Rights Law provides additional protection based on: age, marital status, military status, sexual orientation, gender identity/expression, domestic violence status, immigration status, citizenship, lawful source of income and arrest/conviction records that are sealed or otherwise resolved in the person's favor.

Examples may include efforts to:

- *Train Agency case workers, managers and navigators (as well as contractors and local administrators) on fair housing protections and how to report housing discrimination;*
- *Develop tight linkages between Agency staff and the NYS Division of Human Rights (NYSDHR), the local human rights commission and the local fair housing organizations to report instances of housing and lending discrimination experienced by the Agency's service population. More information can be found here: <https://hcr.ny.gov/file-fair-housing-complaint>;*
- *Display /distribute up-to-date fair housing materials in outreach and training activities, that relay information regarding fair housing protections and complaint processes. Examples of these materials (prepared by NYSDHR) include:*
 - [*Basic Guide to the Human Rights Law;*](#)
 - [*Basic Guide to Fair Housing;*](#)
 - [*Guide to Racial Discrimination;*](#)
 - [*Source of Income Discrimination;*](#)
 - [*Protections Under the Law: Arrest and Convictions.*](#)

E. Engage the public in the development and advancement of fair housing policy.

See the "Public Participation Guide" section below, for examples of best practices.

PUBLIC PARTICIPATION BEST PRACTICES

The following includes five guiding principles and corresponding action items to assist each covered housing agency with engaging the public in a manner that AFFH.

Plan Proactively.

- Conduct an assessment/community engagement plan to identify the appropriate level of public participation, specific opportunities where public input can help to shape the decision, any issues or constraints that may affect public participation, key stakeholders to be engaged, and the main stakeholder concerns, interests, and ideas;
- Work in partnership with the community throughout the planning process;
- Establish mechanisms to continuously improve upon public engagement practices.

Outreach Broadly.

- Ensure that invitations and outreach target a broad audience with a range of voices representative of the community.
 - Examples of community groups include but are not limited to: local businesses, non-profit organizations, senior centers, labor unions, government agencies, elected officials, religious organizations, organizations serving people with mobility, hearing, and vision disabilities, organizations serving individuals with developmental delays and disabilities, parent teacher organizations at local schools, community groups focused on local issues (often on Facebook), civil rights groups, and others.
- Use a variety of channels to conduct outreach. This can include:
 - Social media;
 - Asking local organizations to circulate information to their community/stakeholders;
 - Local radio and TV media including participating as a guest on shows;
 - Proposing the topic for local and organizational newsletters (for example, often public housing authorities and senior centers have newsletters for their residents);
 - Printed flyers in high-traffic areas and offices.

Remove Barriers to Access & Equity.

- Make materials and information easily understandable and accessible (including for those with limited English proficiency) to educate the public about the issues and options;
- Identify the preferred methods of communication for various demographics and incorporate them into outreach (e.g., email, social media, radio, surveys, physical flyers, etc.);
- Post notices in multiple languages, including major languages spoken within the community;
- Provide quality language interpretation services upon request;
- Post notices with instructions on how to request interpretive services for an upcoming meeting;
- Analyze data to identify and conduct targeted outreach to populations in the community that are underrepresented in engagement;
- Provide flexible and inclusive meeting times outside of typical work hours;
- Conduct in-person meetings at sites that are familiar and comfortable to all participants in the community (e.g., public libraries, community centers, etc.). This typically excludes government offices;
- Conduct in-person meetings that are easily accessible to all participants (e.g., along transit routes, sites with ample parking, etc.);
- Ensure that in-person meetings are accessible and clearly marked for people with disabilities.
- Ensure that any materials presented during in-person meeting are in large text for people who are visually impaired;

- Recruit residents from neighborhoods that are generally underrepresented in community engagement efforts to serve on boards, committees, task forces and other local government decision-making bodies;
- Turn on closed captioning on all virtual meetings and events (e.g. Zoom);
- Provide on-site childcare for in-person meetings, when possible;
- Incorporate feedback from non-traditional channels (e.g., social media, news reports, blog posts, surveys, etc.).

Exhibit Transparency & Trustworthiness.

- Set out clear timelines;
- Provide ample notice to community groups and stakeholders, with reminders if possible;
- Post notices within public view, and in the public display windows of community groups;
- Live-stream meetings;
- Record and post recorded meetings;
- Partner with trusted non-governmental community leaders;
- Sustain relationships with community partners;
- Carry out follow-up that was committed to in the meeting;
- Avoid jargon in all written and verbal communications.

Empower Collaborative Decision Making.

- Clearly define the public's role and provide real opportunity for public to be collaborative in the decision-making process;
- Identify and allocate necessary resources to adequately engage and collaborate with the public. Resources can include staffing, materials, and tools to inform, obtain input and build consensus among the public;
- Provide staff with trainings in communication, outreach, and collaborative problem-solving skills;
- Offer opportunities for the public to provide comment within a reasonable time following the conclusion of meetings;
- Clearly illustrate how community input was incorporated in outcomes;
- Circle back to stakeholders that provided feedback on the outcomes of the effort.

APPENDIX B: FOR PUBLIC HOUSING AGENCIES

All NYS Public Housing Agencies (PHAs) must take meaningful actions to AFFH, pursuant to the New York State AFFH Law (14 Pub. Hous. Law §600).

AFFH EXAMPLES & REPORTING

The following includes general examples of actions that can be undertaken to affirmatively further fair housing, followed by examples of actions that can be undertaken specifically to adhere to the Meaningful Actions detailed in the AFFH law (listed as “A-E” below).

A report must be published every 5 years (with interim reporting in years 2 and 4) detailing actions undertaken to further fair housing. In order to produce this report, known as the Assessment of Fair Housing (“AFH”), PHAs must cooperate with NYSHCR’s efforts to detail each covered housing agency’s initiatives, policies, or programs undertaken in furtherance of fair housing. The examples provided below are not intended to be an exhaustive list and AFFH actions undertaken by your agency that are not listed below should still be reported.

General Examples

In addition to the many examples listed below organized by each of the AFFH meaningful actions, broader cross-cutting examples to AFFH can include efforts to:

- *Include items related to AFFH meaningful actions in any competitive scoring/procurement process carried out by the Agency. For example, “Describe how your proposal affirmatively furthers fair housing by overcoming patterns of residential segregation and discrimination, addressing racially and ethnically concentrated areas of poverty, reducing disparity in access to opportunity and/or eliminating disproportionate housing need among communities of color, those with disabilities and other protected classes;”*
- *For vendors and grant recipients who provide direct housing and construction services, include a self-disclosure question about whether the vendor/recipient has been named in a fair housing discrimination suit in the last 10 years (these cases are often administrative complaints that do not show up in formal Lexis searches), and establish policies and procedures to address instances in which the vendor/grant recipient has been named.*

Meaningful Actions Detailed in the AFFH Law

- A. Eliminate disproportionate housing needs;
- B. Reduce disparities in access to opportunity;
- C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs);
- D. Enforce and maintain compliance with the New York State Human Rights Law (NYSHRL), prohibiting housing discrimination;
- E. Engage the public in the development and advancement of fair housing policy.

Meaningful Action Examples

A. Eliminate disproportionate housing needs.

Examples may include efforts to:

- *Continually assess the impact of seemingly neutral tenant selection policies, including preferences and extensive criminal legal background checks, to determine whether the policy disproportionately excludes people in protected classes and communities of color;*
- *Include admissions policies that provide housing options for vulnerable populations including those who are unhoused and survivors of domestic violence;*

- *Ensure multi-lingual tenant counseling is available;*
- *Extend housing search times for larger families with children or persons with disabilities;*
- *Utilize exception payments standards (EPSs) or Small Area Fair Market Rents (SAFMRs) in all low poverty zip code neighborhoods;*
- *Develop waiting lists for persons with disabilities;*
- *Avoid local residency preferences, which often disproportionately excludes people in protected classes and communities of color;*
- *Establish shared waiting lists for regional cooperations and administration of vouchers;*
- *Prioritize basic infrastructure improvements in disadvantaged communities;*
- *Provide free broadband and internet access to low- and moderate-income households;*
- *Establish accessibility programs to increase access to housing and public facilities;*
- *Make highly visible the right to request reasonable accommodation in application processes, other policies, and to use/enjoyment of the units;*
- *Eliminate burdensome application procedures such as in-person only application availability and short application periods. Make applications available electronically.*

B. Reduce disparities in access to opportunity.

Examples may include efforts to:

- *Actively inform voucher holders that landlords are required to accept vouchers;*
- *Disrupt the patterns of recidivism and homelessness by providing housing options for those with criminal legal system histories. As permissible by applicable law, conduct individualized assessments of applicants, taking into account rehabilitative and context factors like jobs, letters of recommendation and time since incarceration;*
- *Modify occupancy and outreach policies to ensure that units that are adapted/adaptable for wheelchair use are in fact designated for people who need the design modifications;*
- *Affirmatively market all housing opportunities to ensure that diverse populations are able to access the opportunities. An example of affirmatively marketing to people with disabilities includes outreach to the sources available in this Guidance: <https://hcr.ny.gov/AccessibleUnitPolicy>;*
- *Train Agency case workers, managers and navigators (as well as contractors and local administrators) to identify and provide linkages to community resources in a range of neighborhoods that may be available for the service population;*
- *Prioritize local Minority and Women-Owned Business Enterprises (MWBs) and Service-Disabled Veteran-Owned Businesses (SDVOBs) for public contracting;*
- *Include programmatic resources for voucher holders to access the Housing Choice Vouchers homeownership program;*
- *Include Housing Choice Voucher (“Section 8”) homeownership materials in outreach and onboarding activities. Examples of these materials include:*
 - [HCV Homeownership Program Flyer](#)
- *Administer the Family Self-Sufficiency (FSS) program;*
- *Administer programming to help establish and increase the credit scores of disadvantaged communities;*
- *Establish or work with an existing housing mobility program. See NYSHCR’s Making Moves Mobility program for reference;³*

³ *Making Moves programs aide voucher holders in overcoming barriers to moving their families to well-resourced areas by providing 1 on 1 housing search and landlord assistance, security deposits and other resources. List of available programs [here](#).*

- *Include housing mobility program materials in outreach and onboarding activities;*
- *Update waiting lists regularly;*
- *Provide people already on the waiting list with ample notices regarding updated waiting list, to allow them time to update their contact information and/or satisfy any other obligations;*
- *Consider selecting randomly from waiting lists rather than on a first-come first-serve basis, as this method may result in an adverse effect to applicants with disabilities;*
- *Project-basing some vouchers in LIHTC projects located in high opportunity areas;*

C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs).

Examples may include efforts to:

- *Support the program’s de-concentration mandate by using public data in order to educate Section 8 program participants on neighborhoods/areas that provide community resources for their families. E.g.:*
 - [*Brandeis University’s Child Opportunity Index;*](#)
 - [*HUD’s Comprehensive Housing Affordability Strategy Tool \(CHAS\);*](#)
 - [*Urban Displacement Project’s Urban Displacement Map.*](#)
 - [*NYSHCR’s Well Resourced Areas \(WRA\) Map;*](#)
 - *NYSHCR’s Neighborhood Resource Index (forthcoming)*
- *Establish goals related to landlord recruitment to de-concentrate and expand the location of participating voucher properties;*
- *Expand PHA’s geographic area to enable families with Section 8 vouchers to access new neighborhoods without having to “port” their voucher;*
- *Consider housing acquisition as a way to help provide additional units in high opportunity areas;*
- *Site affordable housing opportunities in low poverty areas and neighborhoods with robust community resources like parks and high-performing schools;*
- *Examine and reduce any admissions preferences that have a disparate impact in the applicants and residents of a housing development.*

D. Enforce and maintain compliance with the NYS Human Rights Law (NYSHRL), which prohibits housing discrimination.

Examples include efforts to:

- *Display /distribute up-to-date fair housing materials in outreach and training activities that relay information regarding fair housing protections and complaint processes. Examples of these materials (prepared by the NYS Division of Human Rights (NYSDHR)) include:*
 - [*Basic Guide to the Human Rights Law;*](#)
 - [*Basic Guide to Fair Housing;*](#)
 - [*Guide to Racial Discrimination;*](#)
 - [*Source of Income Discrimination;*](#)
 - [*Protections Under the Law: Arrest and Convictions.*](#)
- *Include fair housing information (such as the links above) on PHA website;*
- *Train PHA staff to contact landlords/property managers when source of income discrimination complaints are expressed, to explain the respective laws and propose voluntary compliance;*
- *Develop processes to track and monitor patterns of discrimination amongst landlords, including discriminatory housing advertisements;*

- *Establish relationships and processes with discrimination enforcement entities, and train staff to report instances and patterns of housing and lending discrimination when they cannot be resolved by PHA staff. Discrimination enforcement entities include the NYSDHR, the local human rights commission and the local fair housing organizations. More information can be found here: <https://hcr.ny.gov/file-fair-housing-complaint>;*
- *Report discrimination instances/patterns on behalf of voucher holders.*
- *Host fair housing training opportunities for local real estate professionals, housing providers, and the general public to inform them of fair housing protections.*

E. Engage the public in the development and advancement of fair housing policy.

See the following section, “Public Participation Guide”, for examples of best practices.

PUBLIC PARTICIPATION BEST PRACTICES

The following includes five guiding principles and corresponding action items to assist each covered housing agency with engaging the public in a manner that AFFH.

Plan Proactively.

- Conduct an assessment/community engagement plan to identify the appropriate level of public participation, specific opportunities where public input can help to shape the decision, any issues or constraints that may affect public participation, key stakeholders to be engaged, and the main stakeholder concerns, interests, and ideas;
- Work in partnership with the community throughout the planning process;
- Establish mechanisms to continuously improve upon public engagement practices.

Outreach Broadly.

- Ensure that invitations and outreach target a broad audience with a range of voices representative of the community.
 - Examples of community groups include but are not limited to: local businesses, non-profit organizations, senior centers, labor unions, government agencies, elected officials, religious organizations, organizations serving people with mobility, hearing, and vision disabilities, organizations serving individuals with developmental delays and disabilities, parent teacher organizations at local schools, community groups focused on local issues (often on Facebook), civil rights groups, and others.
- Use a variety of channels to conduct outreach. This can include:
 - Social media;
 - Asking local organizations to circulate information to their community/stakeholders;
 - Local radio and TV media including participating as a guest on shows;
 - Proposing the topic for local and organizational newsletters (for example, often public housing authorities and senior centers have newsletters for their residents);
 - Printed flyers in high-traffic areas and offices.

Remove Barriers to Access & Equity.

- Make materials and information easily understandable and accessible (including for those with limited English proficiency) to educate the public about the issues and options;
- Identify the preferred methods of communication for various demographics and incorporate them into outreach (e.g., email, social media, radio, surveys, physical flyers, etc.);
- Post notices in multiple languages, including major languages spoken within the community;
- Provide quality language interpretation services upon request;
- Post notices with instructions on how to request interpretive services for an upcoming meeting;
- Analyze data to identify and conduct targeted outreach to populations in the community that are underrepresented in engagement;
- Provide flexible and inclusive meeting times outside of typical work hours;
- Conduct in-person meetings at sites that are familiar and comfortable to all participants in the community (e.g., public libraries, community centers, etc.). This typically excludes government offices;
- Conduct in-person meetings that are easily accessible to all participants (e.g., along transit routes, sites with ample parking, etc.);
- Ensure that in-person meetings are accessible and clearly marked for people with disabilities.
- Ensure that any materials presented during in-person meeting are in large text for people who are visually impaired;

- Recruit residents from neighborhoods that are generally underrepresented in community engagement efforts to serve on boards, committees, task forces and other local government decision-making bodies;
- Turn on closed captioning on all virtual meetings and events (e.g. Zoom);
- Provide on-site childcare for in-person meetings, when possible;
- Incorporate feedback from non-traditional channels (e.g., social media, news reports, blog posts, surveys, etc.).

Exhibit Transparency & Trustworthiness.

- Set out clear timelines;
- Provide ample notice to community groups and stakeholders, with reminders if possible;
- Post notices within public view, and in the public display windows of community groups;
- Live-stream meetings;
- Record and post recorded meetings;
- Partner with trusted non-governmental community leaders;
- Sustain relationships with community partners;
- Carry out follow-up that was committed to in the meeting;
- Avoid jargon in all written and verbal communications.

Empower Collaborative Decision Making.

- Clearly define the public's role and provide real opportunity for public to be collaborative in the decision-making process;
- Identify and allocate necessary resources to adequately engage and collaborate with the public. Resources can include staffing, materials, and tools to inform, obtain input and build consensus among the public;
- Provide staff with trainings in communication, outreach, and collaborative problem-solving skills;
- Offer opportunities for the public to provide comment within a reasonable time following the conclusion of meetings;
- Clearly illustrate how community input was incorporated in outcomes;
- Circle back to stakeholders that provided feedback on the outcomes of the effort.

APPENDIX C: FOR STATE-FUNDED LOCALITIES

Any localities receiving funds from any state department, agency, or office, to administer programs related to housing and community development must take meaningful actions to AFFH, pursuant to the New York State AFFH Law (14 Pub. Hous. Law §600).

AFFH EXAMPLES

The following includes examples of actions that can be undertaken specifically to adhere to the Meaningful Actions detailed in the AFFH law (listed as “A-E” below). NYSHCR serves as the lead agency for compiling reports provided by each agency, on their efforts to AFFH.

General Examples

In addition to the many examples listed below organized by each of the AFFH meaningful actions, broader cross-cutting examples to AFFH can include efforts to:

- *Include items related to AFFH meaningful actions in any competitive scoring/procurement process carried out by the Agency. For example, “Describe how your proposal affirmatively furthers fair housing by overcoming patterns of residential segregation and discrimination, addressing racially and ethnically concentrated areas of poverty, reducing disparity in access to opportunity and/or eliminating disproportionate housing need among communities of color, those with disabilities and other protected classes;”*
- *For vendors and grant recipients who provide direct housing and construction services, include a self-disclosure question about whether the vendor/recipient has been named in a fair housing discrimination suit in the last 10 years (these cases are often administrative complaints that do not show up in formal Lexis searches), and establish policies and procedures to address instances in which the vendor/grant recipient has been named.*

Meaningful Actions Detailed in the AFFH Law

- A. Eliminate disproportionate housing needs;
- B. Reduce disparities in access to opportunity;
- C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs);
- D. Enforce and maintain compliance with the New York State Human Rights Law (NYSHRL), prohibiting housing discrimination;
- E. Engage the public in the development and advancement of fair housing policy.

Meaningful Action Examples

A. Eliminate disproportionate housing needs.

Examples include efforts to:

- *Identify opportunities to address barriers to building affordable housing that meets the needs of vulnerable communities, including restrictive zoning regulations*
- *Establish a housing plan to increase housing stock in the community that is affordable for low- to moderate-income households;*
- *Apply to receive "Pro-Housing Community" certification;*
- *Allow/increase the number of accessory dwelling units allowed per site;*
- *Identify and publicize housing providers who have notable inclusive tenant/applicant policies and/or practices, including:*
 - *Housing people returning from incarceration;*
 - *Prohibiting the rejection of residential applicants based solely on the credit score;*

- *Taking actions to help repair the credit scores of individuals of color and other protected classes;*
- *Reducing eligibility restrictions on individuals with convictions who have successfully served their sentences;*
- *Encourage housing providers to conduct individualized assessments of people with criminal legal system involvement rather than imposing blanket bans;*
- *Mitigate environmental contaminations and hazards;*
- *Enact policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing;*
- *Prioritize improvements of basic infrastructure and community assets in disadvantaged communities;*
- *Streamline building permitting for affordable housing construction;*
- *Establish a role for family support social workers or social service providers in targeted public schools;*
- *Increase accessibility to housing for those with mobility impairments by increasing local accessibility code enforcement in new construction and rehabilitation;*
- *Consider how nuisance and crime-free housing ordinances impact people with disabilities;*
- *Provide free broadband and internet access to low- and moderate-income households.*

B. Reduce disparities in access to opportunity.

Examples may include efforts to:

- *Target acquisition and rehabilitation to underinvested properties in neighborhoods of concentrated poverty;*
- *Target public investments and educational funding to bring resources to areas of concentrated poverty;*
- *Target and support homeownership in areas that have been underinvested;*
- *Work with the local public housing authority or organization that administers Section 8 vouchers to support de-concentration of poverty efforts by helping voucher holders to remove barriers in accessing well-resourced neighborhoods of their choice. Examples of these efforts often refer to mobility programs, see NYSHCR’s Making Moves mobility program for reference;⁴*
- *Analyze geographic distribution of community resources and work with businesses and community organizations to expand access and capital for under-resourced areas;*
- *Increase opportunities for community ownership of housing;*
- *Conduct meetings and outreach with local financial institutions to explore opportunities for providing financial assistance for housing in underserved communities;*
- *Support transit-oriented development by allowing for higher density in areas closer to public transit;*
- *Review minimum parking requirements in transit-rich communities;*
- *Target the improvement of community assets in disadvantaged communities;*
- *Fund schools in areas where affordable housing is being built.*

C. Eradicate patterns of residential segregation and racially or ethnically concentrated areas of poverty (R/ECAPs).

Examples include efforts to:

- *Make zoning maps and permitting codes publicly accessible online;*

⁴ *Making Moves programs aide voucher holders in overcoming barriers to moving their families to well-resourced areas by providing 1 on 1 housing search and landlord assistance, security deposits and other resources. List of available programs [here](#).*

- *Spread new and affordable housing construction across types of neighborhoods, including neighborhoods that have historically built fewer multi-family or affordable housing developments;*
- *Remove minimum lot size requirements for housing or require form-based zoning;*
- *Enable as-of-right mixed-use development zone(s) of certain size and capacity*
Include affordable housing and measures of segregation/concentrations of poverty in comprehensive planning efforts and housing needs assessments.

D. Enforce and maintain compliance with the New York State Human Rights Law (NYSHRL), prohibiting housing discrimination.

The federal Fair Housing Act makes it illegal for housing providers and lenders to discriminate against people because of their race, color, religion, national origin, sex, disability, or familial status. Article 15 of the N.Y. Executive Law, also referred to as the “Human Rights Law”, provides additional protection based on: age, marital status, military status, sexual orientation, gender identity/expression, domestic violence status, immigration status and lawful source of income.

Examples may include efforts to:

- *Display/distribute up-to-date fair housing materials that relay information regarding fair housing protections. Examples of these materials (prepared by the NYS Division of Human Rights (NYS DHR)) include:*
 - [*Basic Guide to the Human Rights Law*](#)
 - [*Basic Guide to Fair Housing*](#)
 - [*Guide to Racial Discrimination*](#)
 - [*Source of Income Discrimination*](#)
 - [*Protections Under the Law: Arrest and Convictions*](#)
- *Create/link to a Fair Housing Webpage on municipal or county website that includes and maintains up-to-date information regarding:*
 - *Fair housing protections. Examples of these materials (prepared by the NYS Division of Human Rights (NYS DHR)) include:*
 - [*Basic Guide to the Human Rights Law*](#)
 - [*Basic Guide to Fair Housing*](#)
 - [*Guide to Racial Discrimination*](#)
 - [*Source of Income Discrimination*](#)
 - [*Protections Under the Law: Arrest and Convictions*](#)
 - *Local affordable and supportive housing opportunities;*
 - *Resources to enforce fair housing regulation (i.e., where to file a fair housing complaint). An example of this information can be found here but should be adapted for any local fair housing commissions or other resources available: <https://hcr.ny.gov/file-fair-housing-complaint>;*
- *Partner with local fair housing agencies, organizations, and/or offices to educate real estate professionals, elected officials, and the general public on anti-discrimination rights and resources*
- *Partner with local fair housing agencies, organizations, and/or offices to educate code enforcement professionals on accessibility codes*
- *Require landlords to certify that they will not discriminate against protected classes, as a prerequisite to obtaining a rental license, where applicable*
- *Require landlords to certify that they will include fair housing rights materials in all leases, as a prerequisite to obtaining a rental license, where applicable*

- *Undertake or support efforts to undertake fair housing testing to determine and report instances of housing and lending discrimination experienced by the population. More information can be found here: <https://hcr.ny.gov/file-fair-housing-complaint>;*
- *Conduct targeted fair housing enforcement against specific neighborhoods and/or housing providers where housing discrimination is occurring*
- *Identify and publicize housing providers who chronically commit source of income discrimination*
- *Identify banks that exhibit possible disparate lending partners across mortgage products.*

E. Provide the public reasonable and regular opportunities to comment on fair housing issues and participate in the development and advancement of affirmative fair housing policy.

Examples include efforts to:

- *Hold at least one public meeting annually, featuring fair housing topics for public consideration and input, which can include, for example:*
 - *Barriers in access to housing that fall disproportionately on communities protected by fair housing laws (e.g., communities of color, domestic violence survivors, people with disabilities, people with legal sources of income, etc.)*
 - *Racial, ethnic, and socio-economic segregation in access to housing and resources (e.g., economic opportunities, well-performing schools, environmentally healthy areas, etc.)*

See the section below, “Public Participation Guide”, for examples of best practices regarding public engagement.

PUBLIC PARTICIPATION BEST PRACTICES

The following includes five guiding principles and corresponding action items to assist each covered housing agency with engaging the public in a manner that AFFH.

Plan Proactively.

- Conduct an assessment/community engagement plan to identify the appropriate level of public participation, specific opportunities where public input can help to shape the decision, any issues or constraints that may affect public participation, key stakeholders to be engaged, and the main stakeholder concerns, interests, and ideas;
- Work in partnership with the community throughout the planning process;
- Establish mechanisms to continuously improve upon public engagement practices.

Outreach Broadly.

- Ensure that invitations and outreach target a broad audience with a range of voices representative of the community.
 - Examples of community groups include but are not limited to: local businesses, non-profit organizations, senior centers, labor unions, government agencies, elected officials, religious organizations, organizations serving people with mobility, hearing, and vision disabilities, organizations serving individuals with developmental delays and disabilities, parent teacher organizations at local schools, community groups focused on local issues (often on Facebook), civil rights groups, and others.
- Use a variety of channels to conduct outreach. This can include:
 - Social media;
 - Asking local organizations to circulate information to their community/stakeholders;
 - Local radio and TV media including participating as a guest on shows;
 - Proposing the topic for local and organizational newsletters (for example, often public housing authorities and senior centers have newsletters for their residents);
 - Printed flyers in high-traffic areas and offices.

Remove Barriers to Access & Equity.

- Make materials and information easily understandable and accessible (including for those with limited English proficiency) to educate the public about the issues and options;
- Identify the preferred methods of communication for various demographics and incorporate them into outreach (e.g., email, social media, radio, surveys, physical flyers, etc.);
- Post notices in multiple languages, including major languages spoken within the community;
- Provide quality language interpretation services upon request;
- Post notices with instructions on how to request interpretive services for an upcoming meeting;
- Analyze data to identify and conduct targeted outreach to populations in the community that are underrepresented in engagement;
- Provide flexible and inclusive meeting times outside of typical work hours;
- Conduct in-person meetings at sites that are familiar and comfortable to all participants in the community (e.g., public libraries, community centers, etc.). This typically excludes government offices;
- Conduct in-person meetings that are easily accessible to all participants (e.g., along transit routes, sites with ample parking, etc.);
- Ensure that in-person meetings are accessible and clearly marked for people with disabilities.
- Ensure that any materials presented during in-person meeting are in large text for people who are visually impaired;

- Recruit residents from neighborhoods that are generally underrepresented in community engagement efforts to serve on boards, committees, task forces and other local government decision-making bodies;
- Turn on closed captioning on all virtual meetings and events (e.g. Zoom);
- Provide on-site childcare for in-person meetings, when possible;
- Incorporate feedback from non-traditional channels (e.g., social media, news reports, blog posts, surveys, etc.).

Exhibit Transparency & Trustworthiness.

- Set out clear timelines;
- Provide ample notice to community groups and stakeholders, with reminders if possible;
- Post notices within public view, and in the public display windows of community groups;
- Live-stream meetings;
- Record and post recorded meetings;
- Partner with trusted non-governmental community leaders;
- Sustain relationships with community partners;
- Carry out follow-up that was committed to in the meeting;
- Avoid jargon in all written and verbal communications.

Empower Collaborative Decision Making.

- Clearly define the public's role and provide real opportunity for public to be collaborative in the decision-making process;
- Identify and allocate necessary resources to adequately engage and collaborate with the public. Resources can include staffing, materials, and tools to inform, obtain input and build consensus among the public;
- Provide staff with trainings in communication, outreach, and collaborative problem-solving skills;
- Offer opportunities for the public to provide comment within a reasonable time following the conclusion of meetings;
- Clearly illustrate how community input was incorporated in outcomes;
- Circle back to stakeholders that provided feedback on the outcomes of the effort.