

# Affirmatively Furthering Fair Housing (AFFH) Guide for NYSHCR-Funded Localities



**Homes and  
Community Renewal**

**Fair and Equitable  
Housing Office**



## **AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) GUIDE FOR LOCALITIES FUNDED BY NEW YORK STATE HOMES & COMMUNITY RENEWAL (NYSHCR)**

The federal Fair Housing Act not only prohibits discrimination in housing but requires the recipients of federal funds to administer their programs and activities in a manner that affirmatively furthers the fundamental purposes of the Act. In addition, New York state law (14 Pub. Hous. Law §600) provides a duty of recipients of certain state housing and community development funds to affirmatively further fair housing (“AFFH”).

New York state law describes the duty to AFFH as taking meaningful actions to:

- A. Identify and overcome patterns of residential segregation and housing discrimination;
- B. Eradicate racially or ethnically concentrated areas of poverty;
- C. Reduce disparities in access to opportunity;
- D. Eliminate disproportionate housing needs;
- E. Encourage and maintain compliance with the New York Human Rights law and any other applicable anti-discrimination or fair housing law; and
- F. 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.

To achieve AFFH objectives, localities receiving New York State Homes & Community Renewal (NYSHCR) funding must:

- Complete the Mandatory Minimum AFFH Actions detailed below;
- Implement Additional AFFH Actions, as reasonable and feasible; and
- Report annually to NYSHCR on both the mandatory and additional actions undertaken to AFFH.

Questions related to fair housing obligations should be addressed to your program representative and/or NYSHCR’s Fair and Equitable Housing Office (FEHO) at [feho@hcr.ny.gov](mailto:feho@hcr.ny.gov). Additional information and all relevant documents can be found here: <https://hcr.ny.gov/affh>.

### **A. Mandatory Minimum AFFH Action Items**

**To ensure compliance with the above AFFH objectives, Recipients must carry out the below AFFH actions:**

#### **1. Required prior to the execution of contract for funds.**

- Designate a Fair Housing Officer** – whose duties should include the following activities during the program grant administration period:
  - Attending/reviewing online fair housing trainings provided or approved by FEHO. A pre-recorded training provided by FEHO is available at <https://hcr.ny.gov/affh>. A list of pre-approved fair housing training providers are detailed in Appendix A: AFFH Meeting/Training Guide;

- Submitting all required reports to NYSHCR on the actions undertaken to affirmatively further fair housing within the locality;
  - Serving as the point of contact for the local government and the public on fair housing and non-discrimination issues; and
  - Referring the public to state and local fair housing agencies and organizations to file housing discrimination complaints.
- **Submit a Fair Housing Plan** – which must detail:
- The contact information for the designated Fair Housing Officer;
  - Which 4 out of 6 of the Mandatory Minimum AFFH Action Items listed in Section 2 below will be completed;
  - Which (if any) of the Additional Action Items listed in Section B below will be undertaken;
  - Which (if any) additional action items not provided below, will be undertaken; and
  - The disclosure of all fair housing complaints and/or proceedings that the municipality is or becomes the subject of, before a federal, state and/or local adjudicatory body within the last 5 years.

NOTE: The duty to disclose these complaints/proceedings continues through the completion of the NYSHCR-funded activity. Disclosure must be made within 30 days of their occurrence to HCR's Fair and Equitable Housing Office (FEHO) at [feho@hcr.ny.gov](mailto:feho@hcr.ny.gov).

To submit plan, Recipients must use the [Fair Housing Plan form](#) which can be found on FEHO's AFFH website at <https://hcr.ny.gov/affh>. Send the completed form to FEHO at [feho@hcr.ny.gov](mailto:feho@hcr.ny.gov).

## **2. Mandatory Minimum AFFH Action Items Required Before Completion of the NYSHCR-Funded Activity.**

Recipients must choose 4 out of 6 of the following Mandatory Minimum AFFH Action Items to complete before the end of the NYSHCR-funded activity. Final reporting confirming the completion of these activities must be made in the final report to program. Failure to complete these items may result in the withholding of funds and/or future awards.

- **Ensure that the local zoning map is easily publicly accessible online**
  - This requirement can be met as long as some public entity has the locality's zoning map available online.
  - If the locality has already received a Pro-Housing Community Certification (<https://hcr.ny.gov/phc>) it meets this requirement already.
- **Display/Distribute up-to-date fair housing materials** that provide information regarding fair housing protections. The materials must be distributed to community residents, landlords, real estate professionals and lenders. The materials must also be readily available at sites regularly visited by residents in the community (e.g., public libraries, community centers, municipal buildings, local town hall buildings, etc.).

Examples of fair housing materials for distribution include the following NYS Division of Human Rights (DHR) documents:

- [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 a municipal or county website that includes and maintains up-to-date information regarding:
  - Local affordable and supportive housing opportunities; and
  - Fair housing protections. Examples of relevant materials include the above referenced DHR materials and resources to assist in the enforcement of fair housing protections (i.e., where to file a fair housing complaint). An example of this information can be found in the link below but should be adapted for any local fair housing commissions or other resources available: <https://hcr.ny.gov/fair-housing-information#file-a-complaint>
- In localities that require landlords to have a rental license, include an anti-discrimination form for landlords to sign as a prerequisite to obtain a rental license.

[Sample anti-discrimination form](https://hcr.ny.gov/affh) available on FEHO’s AFFH website at <https://hcr.ny.gov/affh>.
- Hold at least one public meeting featuring fair housing topics for public consideration and input. Topics that may be discussed include:
  - What barriers in access to housing fall disproportionately on communities protected by fair housing laws (e.g., communities of color, domestic violence survivors and people with disabilities).
  - How to address racial, ethnic, disability, and socio-economic segregation in access to housing and resources (e.g., economic opportunities, well-performing schools, environmentally healthy areas, etc.)

If your NYSHCR program requires public hearing(s), any of the public hearings can satisfy the commitment to hold a fair housing public meeting. Refer to the Appendix A: AFFH Meeting/Training Guide for more guidance.

Outreach to the public regarding these meetings must be conducted so that diverse stakeholders are made aware and can participate. Refer to the Appendix A: AFFH Meeting/Training Guide for more guidance.

- Create or collaborate on at least one fair housing training opportunity. Such training should be tailored towards a specific target audience and provide an opportunity for the audience to learn:
  - The laws that govern anti-discrimination in housing at the state and local level;
  - The actions that are prohibited on behalf of housing providers;
  - The list of protected classes at the state and local level; and
  - The appropriate processes for reporting covert and overt housing discrimination complaints.

Examples of relevant target audiences include:

- Local real estate professionals (e.g., developers, sales and rental agents, lenders, and property managers);
- Elected officials and municipality staff in charge of planning, zoning, building, housing, community and economic development; and
- General public.

Local and regional collaboration with other municipalities and organizations is encouraged. The trainings can be co-sponsored or conducted by a third-party entity approved by FEHO. Outreach to the public regarding these meetings must be conducted so that diverse stakeholders are made aware and can participate. For further guidance and a list of entities that provide fair housing training, please refer to Appendix A: AFFH Meeting/Training Guide.

## **B. Additional AFFH Action Items**

In addition to the required activities listed above, if the Recipient undertakes any of the following Additional AFFH Action Items, this must be identified during annual program reporting to HCR's Office of Community Renewal. This reporting must include certification and/or proof of the activities undertaken.

The following includes examples of actions that **may** be undertaken in furtherance of the six AFFH objectives (A-F above). This list does not include every fair housing activity that a locality could or should undertake.

### **A. Identify and overcome patterns of residential segregation and housing discrimination.**

*Examples of actions that may be undertaken include efforts to:*

- *Allow/increase the number of Accessory Dwelling Units allowed per site;*
- *Remove minimum lot size requirements for housing or require form-based zoning;*
- *Enable as-of-right mixed-use multi-family development zone(s) of certain size and capacity; and*
- *Include affordable housing and measures of segregation/concentrations of poverty in comprehensive planning efforts and housing needs assessments.*

### **B. Eradicate racially or ethnically concentrated areas of poverty.**

*Examples of actions that may be undertaken 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; and*
- *Work with the local public housing authority that administers Section 8 vouchers to support de-concentration of poverty efforts that work with 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.*

### **C. Reduce disparities in access to opportunity.**

*Examples of actions that may be undertaken include efforts to:*

- *Analyze geographic distribution of community resources and work with businesses and community organizations to expand access and capital for under-resourced areas;*
- *Provide opportunities to Minority and Women-Owned Business Enterprises for public contracting;*
- *Increase opportunities for community ownership of housing such as community land banks;*
- *Develop housing opportunities for people exiting incarceration to break one of the main drivers of recidivism and homelessness;*

- *Develop housing opportunities for young adults between 18 and 25 years old who are homeless or at-risk of becoming homeless, including those who recently left foster care;*
- *Support transit-oriented development by allowing for higher density in areas closer to public transit;*
- *Conduct meetings and outreach with local financial institutions to explore opportunities for providing financial assistance for housing in underserved communities; and*
- *Mitigate environmental contaminations and hazards.*

**D. Eliminate disproportionate housing needs.**

*Examples of actions that may be undertaken include efforts to:*

- *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.*
- *Establish a housing plan that will make at least ten percent of housing stock in the community affordable for low- to moderate-income households;*
- *Apply to receive “Pro Housing Community” designation - <https://hcr.ny.gov/phc>;*
- *Streamline building permitting for affordable housing construction;*
- *Review minimum parking requirements in transit-rich communities;*
- *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; and*
- *Consider how nuisance and crime-free housing ordinances impact people with disabilities and survivors of domestic violence.*

**E. Encourage and maintain compliance with New York’s Human Rights Law and any other applicable anti-discrimination or fair housing law.**

*Examples of actions that can be undertaken include efforts to:*

- *Support fair housing testing to determine illegal discrimination in housing and lending.*
- *Conduct targeted fair housing enforcement against specific neighborhoods and/or housing providers where housing discrimination is occurring.*

**F. 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.**

*Refer to the ‘Public Participation Best Practices’ section of Appendix C in the AFFH General Guide on FEHO’s AFFH website at <https://hcr.ny.gov/affh>.*

## **APPENDIX A: AFFH MEETING/TRAINING GUIDE**

### **1. When and where should the fair housing meeting or training be conducted?**

Any time prior to the completion of the NYHCR-funded activity. Any meeting/training should be held at a time convenient to the relevant target audience.

The fair housing meeting or training can be held virtually or in person. Any in-person meeting/training should be held at sites familiar and comfortable to the relevant target audience (e.g., public libraries and community centers for the general public, etc.).

### **2. What are the notice requirements for the fair housing meeting/training?**

Outreach to the relevant target audience regarding any meeting or training must be conducted so that diverse stakeholders are made aware and can participate. To meet this objective, localities must:

- Ensure that invitations and outreach target a broad audience with a range of voices representative of the community.
- Use a variety of channels to conduct outreach. For example:
  - Social media
  - Local radio and TV media.
- Post notices within public view and ask local organizations/community groups to circulate information to their community/stakeholders.  
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, civil rights groups, and others.
- Post notices in all major language(s) spoken within the community, with instructions on how to request interpretive services for the meeting.

### **3. What are the accessibility requirements for the fair housing meeting or training?**

Any in-person meeting/training should be held at sites with clearly marked accommodations for persons with disabilities; For any virtual meeting/training, use platforms that provide closed captioning and be sure to enable closed captioning. Ensure that any materials presented are in large text for people who are visually impaired.

### **4. What documentation needs to be submitted to demonstrate compliance?**

A certification of the date, time, location, who presented (along with their titles) and number of attendees must be submitted as part of an annual report to HCR.

## Holding a Public Meeting Featuring Fair Housing Topics

### **5. What is the difference between a public hearing and a fair housing meeting?**

A public hearing is an opportunity for residents of the community to provide input on fair housing matters, such as the barriers to access to housing that fall disproportionately on members of classes protected by fair housing laws. Fair housing training is a presentation in which participants learn about their fair housing rights and obligations pursuant to federal and New York State laws.

If the NYSHCR program your locality receives funding from requires you to hold public hearing(s), any of the public hearings can satisfy the Recipient's commitment to hold a fair housing public meeting as long as fair housing topics are discussed, and the public are able to participate and provide input. In addition, compliance with meeting notice requirements must be met.

## Providing a Fair Housing Training

### **6. What information should be provided during the training?**

The training should be targeted towards a specific audience and should provide an opportunity for the audience to learn:

- The laws that govern anti-discrimination in housing at the state and local level;
- The actions that are prohibited on behalf of housing providers;
- The list of protected classes at the state and local level; and
- The appropriate processes for reporting covert and overt housing discrimination complaints.

Examples of relevant target audiences include:

- Local real estate professionals (e.g., developers, sales and rental agents, lenders, and property managers);
- Elected officials and municipality staff in charge of planning, zoning, building, housing, community and economic development; and
- General public.

### **7. Who should be leading the training?**

Local and regional collaboration with other municipalities and organizations is encouraged. The trainings can be co-sponsored or conducted by a third-party entity approved by FEHO. Relevant third-party entities may include:

- A not-for-profit agency that serves specific areas across the state, such as those fair housing organizations that are funded by NYSHCR to conduct fair housing testing and outreach:
  - Serving Central and Northern NY  
**CNY Fair Housing**  
Phone: 315-471-0420  
Website: [www.cnyfairhousing.org/report-an-incident](http://www.cnyfairhousing.org/report-an-incident)

- Serving NYC and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester  
**Fair Housing Justice Center**  
Phone: 212-400-8201  
Website: [www.fairhousingjustice.org/our-work/housing-discrimination-complaints](http://www.fairhousingjustice.org/our-work/housing-discrimination-complaints)
- Serving Buffalo-Niagara  
**Housing Opportunities Made Equal**  
Phone: 716-854-1400  
Website: [www.homeny.org/report-discrimination](http://www.homeny.org/report-discrimination)
- Serving Western NY  
**Legal Assistance of Western NY, Inc.**  
Phone: 866-671-3247  
Website: [www.lawny.org/fairhousing](http://www.lawny.org/fairhousing)
- Serving Long Island  
**Long Island Housing Services**  
Phone: (Suffolk County): 631-567-5111  
Phone: (Nassau County): 516-292-0400  
Website: [www.lifairhousing.org/how-we-help/fair-housing](http://www.lifairhousing.org/how-we-help/fair-housing)
- Serving the Lower Hudson Valley  
**Westchester Residential Opportunities, Inc.**  
Phone: 914-428-4507  
Website: [www.wroinc.org/fair-housing](http://www.wroinc.org/fair-housing)
- A state government office that serves the entire state
  - **NYS Division of Human Rights**  
Phone: 888-392-3644  
Website: [www.dhr.ny.gov/fairhousing](http://www.dhr.ny.gov/fairhousing)
  - **Civil Rights Bureau of the NYS Attorney General's Office**  
Phone: 800-771-7755 or 212-416-8250  
Website: [www.ag.ny.gov/file-complaint](http://www.ag.ny.gov/file-complaint)
- A local government human rights commission that serves specific localities across the state
  - **Albany Human Rights Commission**  
Phone: 518-434-5102  
Website: [www.albanyny.gov/645/commission-on-human-rights](http://www.albanyny.gov/645/commission-on-human-rights)
  - **Clinton County Human Rights Commission**  
Phone: 518-565-4600  
Website: [www.clintoncountyny.gov/human-rights-commission/complaint](http://www.clintoncountyny.gov/human-rights-commission/complaint)
  - **Nassau County Commission on Human Rights**  
Website: [www.nassaucountyny.gov/2142/housing](http://www.nassaucountyny.gov/2142/housing)
  - **NYC Commission on Human Rights**  
Phone: 212-416-0197  
Website: [www.nyc.gov/humanrights](http://www.nyc.gov/humanrights)

- **Onondaga County Commission on Human Rights**  
Phone: 315-435-3565  
Website: [www.ongov.net/humanrights/about.html](http://www.ongov.net/humanrights/about.html)
  - **Rockland County Commission on Human Rights**  
Phone: 845-364-3995  
Website: [www.rocklandgov.com/departments/human-rights](http://www.rocklandgov.com/departments/human-rights)
  - **Suffolk County Human Rights Commission**  
Phone: 631-853-5480  
Website: [www.hrc.suffolkcountyny.gov](http://www.hrc.suffolkcountyny.gov)
  - **Tompkins County Office of Human Rights**  
Phone: 607-277-4080  
Website: [www.tompkinscountyny.gov/humanrights](http://www.tompkinscountyny.gov/humanrights)
  - **Westchester County Human Rights Commission**  
Phone: 914-995-9500  
Website: [www.humanrights.westchestergov.com/file-a-complaints](http://www.humanrights.westchestergov.com/file-a-complaints)
- Any other entity approved by FEHO, after submitting a request to FEHO at [feho@hcr.ny.gov](mailto:feho@hcr.ny.gov)

This list will be updated and maintained on HCR's website at <https://hcr.ny.gov/file-fair-housing-complaint>.

#### **8. When should the fair housing training be conducted?**

Any time prior to the completion of the NYHCR-funded activity.