

A photograph of the Chicago skyline under a clear blue sky. The Willis Tower is prominent on the left, and the Tribune Tower is on the right. The L.P. COOKINGHAM INSTITUTE OF URBAN AFFAIRS logo is overlaid on the left side of the image.

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# ACTION BRIEF

## *Creating Opportunities for Effective Citizen Participation in Fair Housing Planning Processes*

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Federal citizen participation requirements are not new; they have existed for more than 50 years and are intended to involve citizens in public decision making. The requirements apply to federal entitlement communities, made up of more than 1,200 states, local governments, and certain insular areas and are a condition for receiving federal block grant funding. Together with public housing authorities, they are known collectively as program participants. A new federal rule on affirmatively furthering fair housing (AFFH) dated July 16, 2015 strengthens the citizen participation requirement among program participants with the intent of improving their planning processes in fulfillment of their obligation to affirmatively further fair housing.

Although the requirement to affirmatively further fair housing has existed since passage of the Fair Housing Act of 1968, it remained until the July 2015 rule for the introduction of a specific AFFH definition. According to the rule, “[a]ffirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” (AFFH Rule, § 5.152).

The new AFFH rule replaces previous requirements for the preparation of an Analysis of Impediments to Fair Housing Choice (AI) with a new, more comprehensive process that will produce an Assessment of Fair Housing (AFH). Central to the AFH is the intent to create more meaningful participation from the community in the fair housing planning process (HUD Guidebook 2015). “Community participation, as required in

§ 5.158, means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes” (AFFH Rule, § 5.152). The terms community participation and citizen participation are used interchangeably throughout this *Action Brief*.

This *Action Brief* provides (1) an overview of challenges to effective community participation, and (2) examples of effective citizen participation practices used by federal entitlement communities around the country. Practices are grouped by method, including public meetings, surveys, and focus groups/interviews. They have been drawn from practices used in fair housing and/or consolidated planning processes, since both processes are intended to include diverse citizens—including those who may be historically underrepresented in civic engagement efforts.

### Citizen Participation Challenges

Effective community participation is an essential aspect of the AFH planning process, but program participants are likely to meet a number of challenges in making effective participation a reality. One challenge is that it is not entirely clear what effective participation is or how it may best be measured (Berner, Amos, and Morse 2011). Indeed, perceptions regarding effective participation may vary across stakeholder groups. While citizens view effective participation as an opportunity for meaningful interaction, elected officials may view an effective participation process as one that is passive and channeled through their role as the citizens’ representative (Berner, Amos, and Morse 2011). Genuine participation means that citizens are actively involved in the administrative decision-making process (Wang 2001). Participation meant only to inform citizens of decisions that have already been made frustrates the purpose of community participation and may even be viewed as manipulation (Wang 2001).

Other barriers to effective participation exist. Language, time limitations, limited transportation options, lack of knowledge about political and participation processes, and perceptions that citizen participation has little impact all hinder program participants’ ability to effectively elicit citizen involvement in public decision making (Williamson and Scicchitano 2014).

Further, despite the long history of federal citizen participation requirements as a condition for receiving federal funds, little evidence is available about what actually takes place or whether it is effective (Williamson 2014).

Overall, the literature surrounding citizen participation in government decision making consistently questions whether the methods most often employed result in responses representative of public opinion (Bryson and Quick 2012; Yang and Pandey 2011; Williamson and Scicchitano 2014). Because the very purpose of community participation in government decision making is to extract feedback from members of the public representative of the whole—or, at a minimum, those most likely to be affected by a particular decision—strong efforts must be made to ensure that participation methods result in involvement by an appropriately representative cross-section of the population. In the context of fair housing planning, this means members of protected classes most likely to experience housing discrimination must be included: racial and ethnic minorities, persons with disabilities, and families with children.

Citizen participation in America often tends to be linked with socioeconomic status, where participation is much more likely to occur among those with higher levels of education and income (Schlozman, Verba, and Brady 2012). Because education and income remain linked with racial or ethnic background, it can be particularly challenging to obtain citizen participation from racial and ethnic minorities. Despite this challenge, it is critical that fair housing planning processes include minorities, as well as members of other protected classes.

Designing public participation processes is complex, and it becomes increasingly so as the scope and scale of the methodology increases (Bryson and Quick 2012). This may create a tension between limited resources in terms of time and money and employing a scope of citizen participation activities best suited to gaining needed citizen input (Nalbandian 2005). Despite this tension, it is important to understand that using multiple mechanisms for community participation increases the likelihood of good participation outcomes, including increased trust in the system and improved public responsiveness (Yang and Pandey 2011).

Finding ways to overcome the tension between administrative constraints and inclusive citizen participation pro-

cesses benefits the community in the long run. Effective community participation helps program participants become more familiar with the needs and preferences of those they serve, and their actions will be increasingly legitimized as they respond to citizen feedback (Wang 2001).

### Citizen Participation Examples

Effective citizen participation practices were drawn from a national sample of fair housing planning documents (Als) and Consolidated Plans prepared by entitlement communities. For the purpose of this *Action Brief*, effective participation is defined as use of one or more methods resulting in feedback from members of groups most likely to be affected by fair housing policy. Effective practices were identified in a diverse array of communities where various methods were used, including public meetings, surveys, focus groups, and targeted interviews.

#### Public Meetings

Public meetings are the most frequently used method for involving citizens in public decision making. There are a number of reasons why public meetings tend to dominate the practices relied on in fair housing planning processes. First, there is a legal requirement that program participants hold at least one public meeting during the fair housing planning process that results in the AFH (HUD Guidebook 2015). Beyond legal requirements, public meetings are generally a low-cost means for eliciting public feedback (Williamson 2014). Although public meetings are often criticized as failing to provide diverse representation (Williamson 2014), several examples described below illustrate that public meetings have the potential to be inclusive and demonstrate effective practice in mobilizing participation by diverse groups of citizens. Some examples also present ways of structuring public meetings to maximize the potential to create meaningful interaction between public officials and citizens.

*Hillsborough County, Florida.* At the outset of its consolidated planning process in 2006, Hillsborough County management and staff worked to mobilize public meeting attendance for the purpose of setting spending priorities for federal block grant funds. Demographic information collected at the close



of public meetings demonstrated that efforts to obtain diverse participation were highly successful based on race, ethnicity, education, and income. Methods used in obtaining participation included:

- A request for help from community-oriented nonprofit organizations in mobilizing participation among the non profits' clients
- Selection of five (5) locations for public meetings to make public meeting attendance convenient for citizens
- Holding one of the five meetings in a neighborhood center of historical importance to the African-American community
- Holding one of the five meetings in a branch library in an area where the population is predominantly Hispanic



- Advertising the upcoming meetings in a Spanish-language newspaper and on a Spanish-language radio station
- Holding one meeting in Spanish with English translation, and making available Spanish translation at all English-language meetings (Williamson 2014).

*Santa Clara, California.* Santa Clara's Consolidated Plan represents efforts by a consortium of program participants from the region. The consortium's efforts provide an example of both effective mobilization and innovation in the structure of public meetings. A total of 11 community forums were held during the planning process. Citizen participation was mobilized by:

- Engaging more than 4,800 entities, organizations, agencies, and people in promoting attendance at public forums
- Distributing more than 1,000 flyers throughout the county in both English and Spanish
- Meeting notices in newspapers printed in multiple languages, including English, Spanish, Vietnamese, Tagalog, and Chinese (Santa Clara Consolidated Plan 2015).

Further, Santa Clara used methods that moved beyond a traditional public hearing-style meeting. This resulted in more effective citizen involvement in decision making by use of two interactive methods:

- Providing each participant \$200 in "HUD Bucks" and asking them to allocate their dollars across five spending categories shown on display boards
- Engaging participants in small group discussions following the HUD Bucks exercise, resulting in more informed citizen input (Santa Clara Consolidated Plan 2015).

*City of Houston, Texas.* The City of Houston held a Fair Housing Forum while preparing their AI in 2015 which successfully brought together both citizens and representatives of a wide array of stakeholder organizations in the fair housing planning process. Participation mobilization efforts included:

- Requests made to hundreds of organizations for the purpose of reaching out and promoting attendance
- Special efforts made in collaboration with the Houston Housing Authority to representatives of public housing resident councils
- Providing free transportation for public housing residents

(City of Houston Analysis of Impediments to Fair Housing Choice 2015).

The forum went beyond the traditional public hearing in several ways. It included:

- A keynote address
- Three panel discussions
- A free boxed lunch for all participants (City of Houston Analysis of Impediments to Fair Housing Choice 2015).

#### Surveys

Keeping in mind that at least one public meeting must be held as part of the AFH preparation process, surveys may be used as an effective means to supplement citizen input gained in one or more meetings. The most reliable method for obtaining representative citizen input is based on a random sample of the population. Most often, random-sample surveys are administered by telephone. While they are powerful tools for understanding citizen needs and preferences, they can be cost prohibitive for many jurisdictions (Williamson 2014).

Although non-random surveys—for instance, surveys made available online or distributed through mailings or other means—do not have the same statistical power as random-sample surveys, they often provide information for public decision making that might not otherwise be available. This section presents examples of both random- and non-random survey techniques.

*Hillsborough County, Florida.* Those responsible for obtaining citizen participation during the preparation of Hillsborough County's Consolidated Plan in 2006 used the services of a university survey research center in designing and administering a large, random-sample telephone survey resulting in a 95% confidence level that the spending preferences indicated by respondents was representative of the county's citizens at large. Random-sample survey methods used by the university research center on behalf of Hillsborough County included:

- Purchase of a list of telephone numbers for the geographic region from a commercial service
- Use of random-digit dialing technology to place the calls
- Making five attempts at different times and on different days of the week—including weekends and evenings—to reach each randomly identified telephone number

- Reliance on a carefully constructed survey instrument administered by trained survey interviewers
- Having both English and Spanish speakers conducted telephone interviews (Williamson 2014).

The same survey was administered by county staff at the close of the five public meetings held during the planning process. A hard copy survey was provided to each attendee, and surveys were available in both English and Spanish at each meeting. Results of both surveys were used in setting spending priorities (Williamson 2014).

*City and County of Denver, Colorado.* The City and County of Denver used a random-sample telephone survey while preparing their AI. As with the Hillsborough County example, the random-digit dialing method was used in administering the survey (Denver AI 2006).

Because the survey was part of the fair housing planning process, the survey itself focused on determining the level of fair housing knowledge among its citizens. Using ques-

tions modeled on a 2002 U.S. Department of Housing and Urban Development survey to determine how Denver residents' knowledge of fair housing law compared with that of the typical American, the survey presented respondents with various housing scenarios and asked them to identify whether the situations were legal or illegal. Overall, Denver residents were better informed than most Americans; administering the survey allowed Denver officials to target educational resources towards issues where citizen knowledge was more likely to be lacking (Denver AI 2006).

*City of Austin, Texas.* The City of Austin conducted an online survey of its residents, available in English and Spanish, that amassed a total of 5,315 resident responses, 922 in-com-muter responses, and 398 student responses. Austin's AI reports that respondents included 1,522 renters, 423 Hispanics, 124 African Americans, 78 Asians, and 325 residents with house-hold income of \$25,000 or less. Persons with disabilities were also represented in survey responses (Austin AI 2015). While

an online survey does not reach the ideal of randomized sampling and the associated statistical power of representing the population as a whole, the survey provided system-atic information about citizen expe-riences that would not have been possible without it. Further, evi-dence presented in the AI indicates that responses reached some level of diversity based on representation by members of protected classes (minorities and persons with dis-abilities), as well as others whose voices are less often represented in citizen participation (renters and low-income households).

#### Focus Groups and Interviews

Focus groups and targeted inter-views are other ways in which pro-gram participants may supplement the required public meeting and



enhance the effectiveness of citizen participation efforts. These methods can increase the depth of citizen input by providing opportunities for detailed and guided discussion of the issues.

*City of Detroit, Michigan.* The City of Detroit conducted five focus group sessions while preparing their AI. Four focus groups targeted major racial and ethnic heritages in the city (African-American, Hispanic, Arab/Chaldean, and Hmong/Asian). One focus group was conducted with representatives of fair housing organizations providing service to Detroit residents (Detroit AI 2009). Focus group results provided both common and unique themes in fair housing experiences among participants; these results were used throughout the AI to guide the identification of barriers to fair housing choice and potential solutions. The City of Detroit's AI demonstrates extensive and purposeful actions taken to ensure adequate participation.

Focus groups targeting racial and ethnic minorities were recruited by:

- City outreach to community organizations serving various minority groups to request lists of potential focus group participants and contact information
- City mailing of flyers and telephone calls to ensure adequate participation in each focus group (Detroit AI 2009).

Focus groups targeting racial and ethnic minorities included the following:

- Interpreters for non-English speakers
- A free meal, where meal time was used by facilitators to initiate small talk and create a level of comfort between facilitators and participants (Detroit AI 2009).

*City and County of San Diego, California.* The City and County of San Diego prepared a joint AI and used targeted interviews with representatives of key stakeholder organizations such as the Fair Housing Center of the Legal Aid Society of San Diego and the San Diego County Apartment Association to supplement public meeting participation (San Diego AI 2015). These interviews were conducted one-on-one and allowed for a thorough evaluation of fair housing issues from the perspective of those who work with them on a daily basis. Stakeholder interview findings were incorporated throughout the AI as appropriate, and the full interviews were made available in an appendix (San Diego AI 2015).

## Conclusion

Citizen participation is central to the fair housing planning process, and the new AFFH rule places even greater emphasis on it than in the past. Beyond compliance with federal requirements, citizen participation has the potential to be an important tool for program participants, facilitating the achievement of more vibrant, inclusive communities with ample access to areas of economic opportunity for all. Creating opportunities for effective citizen participation in fair housing planning processes is best undertaken with multiple methods whenever possible. If it is not possible to supplement the legally required public meeting with other citizen participation methods, it is especially important to make the most of the public meeting or meetings themselves by allowing for two-way communication between citizens and their government.

Designing and implementing effective citizen participation requires both commitment and sharing information about what works best. Our hope is that the real-world examples provided in this *Action Brief* assist those who are committed to inclusive fair housing planning processes by stimulating ideas about what may work in their own community.

## References

- Affirmatively Furthering Fair Housing Rule* (AFFH Rule), Federal Register 80, no. 136 (July 16, 2015): 42272-42371, <https://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/2015-17032.pdf> (codified at *Code of Federal Regulations*, title 24: Parts 5, 91, 92, et al.).
- Berner, Maureen M., Justin M. Amos, and Ricardo S. Morse. 2011. What Constitutes Effective Citizen Participation in Local Government? Views from City Stakeholders. *Public Administration Quarterly* 35(1): 128-163.
- Bryson, John M. and Kathryn S. Quick. 2012. Designing Public Participation Processes. *Public Administration Review* 73(1): 23-34.
- Citizen Participation Plan, *U.S. Code of Federal Regulations* 24 (2015), § 91.105.
- City of Austin, Texas (Austin AI). 2015. *Analysis of Impediments to Fair Housing Choice*. [https://austintexas.gov/sites/default/files/files/NHCD/Reports\\_Publications/1Analysis\\_Impediments\\_for\\_web.pdf](https://austintexas.gov/sites/default/files/files/NHCD/Reports_Publications/1Analysis_Impediments_for_web.pdf).

- City of Detroit, Michigan (Detroit AI). 2009. *Analysis of Impediments to Fair Housing Choice*. <http://www.detroitmi.gov/Portals/0/docs/HousingAndRev/2009%20AI.pdf?ver=2015-08-31-130547-140>.
- City of Houston, Texas (Houston AI). 2015. *Analysis of Impediments to Fair Housing Choice*. <http://www.houstontx.gov/housing/2015consplan/2015AnalysisofImpedimentsDraftforPublicComment.pdf>.
- City and County of Denver, Colorado (Denver AI). 2007. *Analysis of Impediments to Fair Housing Choice*. <https://www.denver.gov.org/Portals/690/documents/DenverAnalysisOfImpedimentsToFairHousingChoice.pdf>.
- County of Santa Clara, California (Santa Clara Consolidated Plan). 2015. *County of Santa Clara 2015-2020 Consolidated Plan and 2015 Action Plan*. <https://www.sccgov.org/sites/oah/HCD/Documents/Draft%2020152020%20ConPlan%20with%20FY16%20Annual%20Plan%20.pdf>.
- County of San Diego, California (San Diego AI). 2015. *Analysis of Impediments to Fair Housing Choice*. <https://www.sandiego.gov/sites/default/files/legacy/cdbg/pdf/fairhousing/fhAIpubliccomment0415v.pdf>.
- Fair Housing Act, U.S. Code 42* (2015), §§ 3601 et seq.
- Nalbandian, John. 2005. Professionals and the Conflicting Forces of Administrative Modernization and Civic Engagement. *American Review of Public Administration* 35 (4):311-326.
- Schlozman, Kay Lehman, Sidney Verba, and Henry E. Brady. 2012. *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy*. Princeton, NJ: Princeton University Press.
- U.S. Department of Housing and Urban Development (HUD Guidebook). 2015. *Affirmatively Furthering Fair Housing Rule Guidebook*. <https://www.hudexchange.info/resource/4866/affh-rule-guidebook/> (accessed May 1, 2016).
- Wang, Xiaohu. 2001. Assessing Public Participation in U.S. Cities. *Public Performance & Management Review* 24(4): 322-336.
- Williamson, Anne R. 2014. Public Meetings as Sources of Citizen Input: Comparing Attendees with Citizens at Large. *The Social Science Journal* 51(2): 191-200.
- Williamson, Anne R. and Michael J. Scicchitano. 2014. Dimensions of Public Meeting Participation: Evidence from Florida's Truth-in-Millage Act. *Urban Affairs Review* 50(1): 134-146.
- Yang, Kaifeng and Sanjay K. Pandey. 2011. Further Dissecting the Black Box of Citizen Participation: When Does Citizen Involvement Lead to Good Outcomes? *Public Administration Review* 71(6): 880-892.