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Via regulations.gov

[<http://www.regulations.gov/#!submitComment;D=HUD-2013-0066-0001>]

September 17, 2013

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

Re: Docket No. FR-5173-P-01, Affirmatively Furthering Fair Housing

Dear Regulations Division:

This letter is written on behalf of California Rural Legal Assistance, Inc. (CRLA).

CRLA serves low-income individuals residing in over 22 California counties. We serve a wide array of clients, maintaining specialized programs that focus on services for farmworker populations. CRLA clients include individuals with disabilities, immigrant populations, school children, lesbian/gay/bisexual and transgender populations, seniors and individuals with limited English proficiency. CRLA legal services are shaped by the needs of our diverse client community. Our staff conducts litigation, outreach and legal education on the most pressing issues facing low-income communities: housing, employment, education, workplace safety, discrimination, income maintenance and healthcare access.

CRLA provides legal services in conjunction with a series of innovative programs and special initiatives to address recurring, wide-spread problems that face our clients. CRLA's current initiatives include: protecting the health and safety of farmworkers, guaranteeing that workers receive proper wages, protecting individuals from predatory lending, fighting for communities that lack basic infrastructure, advocating for Indigenous Mexican farmworkers, providing education and training to prevent sexual harassment in the workplace, enforcing fair housing practices, supporting victims of domestic violence, protecting the health and safety of rural LGBT communities, and guaranteeing the rights of children from low-income families to a quality education.

CRLA has participated in, signed onto and incorporates by reference in this comment letter the comments submitted by the Western Center on Law & Poverty, the National Housing Law Project and the Poverty & Race Research Action Council.

CRLA emphasizes the following points:

1. HUD is to be commended for publishing proposed rule to ensure compliance with the legal duty to affirmatively further fair housing.
2. The proposed rule must assign equal importance to both preserving affordable housing and investment in distressed communities and promoting housing mobility. HUD cannot itself and cannot allow its program recipients to, select one or the other. Revitalization and investment in traditionally low-income, high poverty neighborhoods AND mobility are of tremendous and equal value. Affirmatively furthering fair housing must include specific actions to accomplish both.
3. HUD must improve the language access requirements in the proposed rule if they are to be effective. HUD should clarify that entities affected by the rule must comply *with Title VI and other laws requiring meaningful access to LEP persons* and require that vital documents include those documents and other materials that are critical for ensuring meaningful access to the community participation process.
4. The public participation process cannot be limited to one or two public hearings. Entities covered by the proposed rule must engage in meaningful education and outreach, conduct a series of informational workshops and public hearings, guarantee meaningful language access, address literacy, provide access for persons with disabilities and ensure that locations and times for public participation accommodate the needs of all segments of society.
5. The proposed rule must require covered entities to adopt a plan that contains specific actions, with identified implementation measures, time frames, responsible officials to carry out the actions, and assure that there methods of enforcement and evaluation. This is critical if states, PHAs, regions, local governments and other program recipients are to remove impediments to fair housing and overcome fair housing determinants.
6. The proposed rule must have a complaint and appeal procedure, audit procedure and not rely on *pro forma* review.
7. HUD must utilize and require all covered entities (including states, regions, PHAs, entitlement jurisdictions, sub-recipients and other program participants) to collect and analyze data from a multitude of reliable sources, not only Census data. It is well understood that Census data suffer from a differential undercount of traditional minorities, language minorities, lower income households, renters, children and special

populations including farmworkers and recent immigrants. These data must be supplemented by other reliable national, state and local level studies, university studies, scholarly materials and data.

Thank you for the opportunity to comment.

Sincerely,

Ilene J. Jacobs

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CRLA Director of Litigation, Advocacy & Training