



The Southwest Fair Housing Council submits this comment in support of the Petition of the Civil Rights Division of the Arizona Attorney General's Office R-24-0029.

The Southwest Fair Housing Council (SWFHC) was founded in 1986 and is funded by federal, state, and local funds, including the Department of Housing and Urban Development's (HUD) Fair Housing Initiatives Program (FHIP) through the Private Enforcement Initiative (PEI) and Education and Outreach Initiative (EOI), to provide fair housing services throughout Arizona. The process to receive FHIP funding is competitive. Funding is not guaranteed. Nonprofit organizations like SWFHC must submit detailed grant proposals, often over fifty pages, to compete for FHIP funding. HUD conducts an in-depth yearly monitoring of all FHIP-funded agencies to ensure program compliance. SWFHC has received FHIP funding for over twenty-five years and has always received an "excellent" rating from HUD. Fair housing organizations like SWFHC must demonstrate the requisite fair housing knowledge and expertise to assist clients through the fair housing administrative complaint process effectively, receive funding through a competitive grant process, and complete yearly HUD monitoring.

SWFHC supports the Petition of the Civil Rights Division of the Arizona Attorney General's Office so that SWFHC can advocate for its clients through the AG's fair housing complaint process. SWFHC's core function is fair housing enforcement with PEI grant funding through HUD's FHIP program. Arizonans contact us requesting fair housing counseling and other assistance to understand their rights, investigate their allegations of discrimination, exercise their fair housing rights, and help them remedy illegal housing discrimination they may have experienced. Early in the process, SWFHC asks its clients to sign its "Authorized Advocate Form," authorizing us to act as advocates on their behalf. We make it clear that we are not attorneys and do not provide legal advice. SWFHC provides its services free of charge. We work closely with clients to investigate their claims and often gather additional evidence through testing to support them. Our actions are guided by how the client would like to resolve their situation. Based on the outcomes of our investigations, we discuss available options with the client. If our clients file a complaint with the AG, we cannot assist them through the AG's process under the current rule. We are not included in communication between the AG and our client. We cannot act as an intermediary between our client and their investigators. We are also not allowed to be present during mediation. The current rule prohibits SWFHC staff from advocating for our clients during the complaint process because SWFHC staff are not attorneys.

The rule petition of the Civil Rights Division of the Arizona Attorney General's Office, which SWFHC supports, will allow SWFHC to advocate for its clients through the AG's fair housing complaint process and will bring its process in line with the HUD process and the Fair Housing Assistance Program (FHAP) program. When someone we represent files a complaint with HUD that HUD processes (opting not to send it to the AG for processing), we are permitted to advocate for the complainant throughout the process. The City of Phoenix



Equal Opportunity Department, also a participant in the FHAP program, allows us to advocate for our clients during the fair housing complaint process. The functions and activities described above are outlined in the statement of work of our HUD FHIP PEI grant. The rule that this petition seeks to change impedes our ability to carry out the fair housing work that HUD has contracted with us to do.

The rule prohibiting SWFHC from advocating for its clients throughout the complaint process severely limits Arizonan's ability to exercise their fair housing rights. SWFHC staff are fair housing professionals trained to help clients distinguish between fair housing and non-fair housing issues that are confusing to the layperson. For instance, if an SWFHC client files a fair housing complaint with the AG and is also experiencing a non-fair housing issue like a landlord/tenant issue or a dispute with a neighbor that is part of their overall situation, they may focus on the non-fair housing issues, resulting in their case being closed. The process forces our clients, who typically cannot afford an attorney, to fend for themselves in a confusing and intimidating process.

Disability-related complaints account for over half of the complaints handled by SWFHC. Clients who file disability-related discrimination complaints with the AG again experience disability-related barriers during the complaint process without an advocate. SWFHC clients who have disabilities have been unable to manage the stress of the investigation process and communication with the investigators. SWFHC clients struggling in this manner have become overwhelmed, have been unable to describe the violation that occurred to the investigator as they did to SWFHC staff, and have backed out of the process.

Many of SWFHC's clients have difficulty navigating the complaint process on their own because of limited income, resources, and capacity. The vast majority of SWFHC's clients are low-income and often do not have access to a computer, the internet, email, copy machines, scanners, faxes, transportation, and other conveniences that make following through with the complaint process timelines and requirements difficult, if not impossible. HUD funds SWFHC to help its clients overcome these barriers free of charge. When SWFHC helps a client through HUD's complaint process, HUD staff works directly with SWFHC staff to communicate with our client about the complaint, gather documents and other evidence, and otherwise assist our client with the process. As noted above, the rule that prohibits SWFHC from working with its clients through the AG's complaint process creates significant differences between the AG's complaint process and HUD's complaint process.

In summary, SWFHC supports this petition for rule change to allow employees of organizations funded by the FHIP program to represent alleged victims of housing discrimination during the AG's complaint process.