

October 20, 2021 – 2:00-4:00 PM ET

NATIONAL FAIR HOUSING FORUM

Combating Housing-Related Harassment and Hate Crimes  
Against the AANHPI Community

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Speakers: Erika Moritsugu, Deputy Assistant to the President and Asian American and Native Hawaiian and Pacific Islander Senior Liaison, Biden-Harris Administration; Demetria McCain, Principal Deputy Assistant Secretary, Office of Fair Housing and Equal Opportunity, HUD; David Enzel, General Deputy Assistant Secretary, Office of Fair Housing and Equal Opportunity, HUD; Cashauna Hill, Executive Director, Louisiana Fair Housing Action Center, Emcee; Chang Chiu, Special Policy Advisor, Office of Fair Housing and Equal Opportunity, HUD, Moderator; Seema Agnani, Executive Director, National Coalition for Asian Pacific American Community Development, Panelist; Allan Lazo, Executive Director, Fair Housing Council of Oregon, Panelist; Charles Evans, Supervising Attorney, Asian Americans Advancing Justice, Panelist

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CASHAUNA HILL [0:00:00]: With that, welcome, again, everyone, to the National Fair Housing Training Academy's National Fair Housing Forum entitled Combatting Housing Related Harassment and Hate Crimes Against the AANHPI Community. In case that acronym is unfamiliar to anyone, and because we'll be using it often during today's conversation, I'll note that AANHPI is an abbreviated way of referring to Asian American, Native Hawaiian, and Pacific Islander communities. My name is Cashauna Hill, Executive Director of the Louisiana Fair Housing Action Center based in New Orleans. There I lead a team working to fulfill the organization's mission to end discriminatory housing policies and practices through litigation and policy advocacy, as well as by providing fair housing trainings and foreclosure prevention counseling.

As always, I'm thrilled to have the opportunity to be with you all today. Before we get started, I'll note that this forum features information and examples that represent the experiences of the speakers. Comments do not necessarily reflect the policies of HUD.

Before we get started, let's review some technical tips and instructions regarding today's event. TJ?

TJ WINFIELD [0:01:20]: Thanks, Cashauna. If any of you are having technical difficulties with audio or video, we recommend that you first sign out of the webinar and then sign back in. And if you're still having trouble after that, you can request help in the Q&A box located on the Zoom Panel section at the bottom of your screen, or you can also send an email to [NFHTA@cloudburstgroup.com](mailto:NFHTA@cloudburstgroup.com). We encourage you to ask questions. You can enter your

questions at any time by selecting the Q&A button on the Zoom Panel. Please note, due to time constraints, we may not be able to respond to every question today.

The webinar's scheduled for two hours and is being recorded. [The recording and the transcript will be made available on the NFHTA website on HUD Exchange, along with resources that will supplement today's conversation.](#) Back to you, Cashauna.

MS. HILL [0:02:13]: Thanks, T.J. It is now my pleasure to introduce David Enzel, who currently serves as General Deputy Assistant Secretary in HUD's Office of Fair Housing and Equal Opportunity. David is an attorney with more than 40 years of management and legal experience at two federal agencies. He has devoted his career to combatting discrimination and to assisting low- and moderate-income persons. David?

DAVID ENZEL [0:02:42]: Thank you very much, Cashauna, and good afternoon and good morning to everyone. I'm very honored to be with you today. On a personal note, I want you all to know that I consider my involvement with the Training Academy to be among the most important work that I do. I think it's going to leave a lasting legacy.

From the moment that we began reimagining the Fair Housing Training Academy, it was with clear focus on investing in each of you, the current and future generations who combat housing discrimination throughout the United States. To consistently see individuals like you participating in the Academy's events, like today's event, tells me that, together, we're all headed in the right direction.

Over 4,000 participants like you have engaged in our National Fair Housing Forums, as leaders in this movement, like Delaware Senator McBride, researcher Andre Perry, and appraiser and lender Jillian White. They've empowered each of us to better understand how to embed equity in our work.

And this year alone, over 600 fair housing practitioners passed through the Training Academy's virtual halls as they learned the basics of fair housing, how to intake and investigate cases, and how to litigate fair housing cases. And in this almost entirely online era, subscriptions to the Training Academy mailing list have increased to over 6,000 individuals.

We're leveraging this connection with you to both share important tips and tricks to be successful fair housing practitioners, and also to allow you to communicate directly with one another, as we know that some of the very best innovations and solutions begin with you. And so, the Training Academy is strong and it's growing to meet your needs. When the time is right, and I hope that's soon, we very much look forward to moving beyond the virtual halls into meeting with you in person.

And now I have the distinct honor to introduce the Office of Fair Housing and Equal Opportunity's Principal Deputy Assistant Secretary, Demetria McCain. For those of you who know Demetria, you know she's committed to this work, she's innovative, and she leads with kindness, and concern for all. Prior to her appointment, Demetria served as

President of the Inclusive Communities Project in Dallas, Texas, where she operationalized change through housing mobility, engagement, and advocacy.

Additionally, Demetria's background as an Equal Justice Works Fellow and Staff Attorney at the National Housing Law Project in Oakland ensure we have a leader at the helm who understands your work and needs. She's truly one of us. Demetria, welcome.

DEMETRIA McCAIN [0:05:37]: Thank you so much, David. And folks, I cannot understate or overstate David's passion for the Academy. In the short time I've known him, it's very clear how passionate he is about the Academy and all of you. So, first, I also want to say good afternoon and good morning to everyone. Thank you for joining today's National Fair Housing Training Academy forum. It is such an honor to be here today to introduce myself to you. And for many, to reconnect with you as a colleague and friend in the ongoing march towards justice, equality, and equity in housing.

Now, if we've met before, you no doubt know just how important meaningful connecting with people really is to me. It's really meaningful. And so, the Training Academy, bringing fair housing practitioners like you to the virtual table, to engage in conversation nearly every month really, really resonates with me, not just as a Presidential appointee, but really as an adjunct faculty member who teaches fair housing at Coppin State University, but also as a former Training Academy student myself and as a civil rights advocate. The Training Academy's forums like today's allow each of you to engage in meaningful conversations with each other around emerging fair housing issues that impact our work and are very important to the people whom we serve.

Now, I intentionally use the word "meaningful" when I speak about how HUD's engage and how we all engage with the people. Meaningfulness is important. My life experiences have taught me that when we meet people where they are and truly listen to their thoughts and their needs, be they a colleague or the public, housing providers or others, those are the moments, the very moments when we begin to build bridges that are essential for all of us to individually and collectively have the opportunity. So, it's in that spirit that I want you to walk away knowing a few things. First, know that FHEO is in your corner and we're listening to your thoughts and ideas as we together drive forward, embedding equity and fair housing opportunities across this nation.

Today's forum's topic is the direct result of partners like you, partners like you expressing the need to better understand how to combat housing related harassment and hate crimes against the AANHPI community, a community of protected class members whom we know, despite a low rate of reporting discrimination, experience it all the time in our housing [inaudible], and I encourage you to offer your honest feedback as you complete your forum evaluation survey so that we can hear your ideas on future topics, like this important one today.

[Second, I want to encourage each of you to remain engaged with the Training Academy's conference, including the ongoing foundational courses, as well as next month's topic, which is entitled Strategies for LGBTQI+ and Gender Identity Discrimination Investigations.](#)

As new civil rights colleagues on board with the organization, [I ask you to ensure that they are subscribed to the Training Academy's mailing list and that they very quickly get the knowledge, skill, and capacity needed to just hit the ground running as fair housing practitioners.](#)

Finally, and most importantly, I want you to know that we can't ensure fair housing without you. You are the individuals who have adapted and continue intakes and investigation and all of those things, conciliation of cases, completing fair housing outreach efforts and enforcing the Fair Housing Act in partnership with HUD, through it all, through the whole pandemic, while your own families and you have faced incredibly difficult challenges over this last year and a half. You've somehow managed to dig deep from within to serve citizens and residents who continue to face unthinkable fair housing challenges, only to have been exacerbated by this global pandemic.

As the Secretary of HUD said earlier this year, you matter, and your work matters. So, on behalf of the Secretary and other HUD leadership, thank you all for all the work you've done and that you continue to do. Continue to take good care of yourselves. I truly, truly look forward to the months and years ahead while working alongside you.

And now I'm going to turn it back to my good friend, Cashauna. Thank you all.

MS. HILL [0:10:34]: Thank you so much, Demetria, and thank you, David, for taking the time out of your schedules to share those remarks with us today. We very much appreciate it.

Now I would like to introduce Erika Mortisugu, who serves as Deputy Assistant to the President and Asian American Native Hawaiian and Pacific Islander Liaison. At the White House, Erika supports the Administration on a wide array of the president's priorities and engages with AANHPI communities and leaders on important issues, such as advancing safety, justice, inclusion, and opportunity for AANHPI communities through a whole of government approach to racial justice.

Previously, Erika served as the Assistant Secretary for Congressional and Intergovernmental Relations at HUD under the leadership of Secretary Julián Castro in the Obama Administration. Erika, thank you for joining us.

ERIKA MORTISUGU [0:11:32]: Thank you, Cashauna, for the introduction, and thank you to the National Fair Housing Training Academy for inviting me to speak today. It's an honor to be here, to rejoin my esteemed former colleagues from HUD, along with the Fair Housing Council of Oregon, AAAJ, and National CAPACD. I'm Zooming in from the White House in Washington, D.C., which is sited on the ancestral homelands of the Nanichoke. I'm a middle-aged woman with east Asian descent with long hair and a black dress in front of a bright window with gold curtain.

As Cashauna mentioned, as the first ever Senior Liaison to the Asian American Native Hawaiian and Pacific Islander communities at the White House, I'm a member of the

President's senior staff, acting as the voice in the West Wing to lift up the hopes of the AANHPI community's and our Administration's policies, politics, and external engagement.

A key part of this work is to address incidents of hate and harassment against the AANHPI community, and I don't do this alone. I coordinate closely with the White House Initiative on AANHPIs, to advise the President on efforts to improve safety, access to justice, and violence prevention, including by preventing, reporting, addressing, and better tracking acts of hate and bias. I also work closely with all components in the White House to make sure the impacts of the Administration's policies are inclusive and clearly communicated to our community.

I also work with the Interagency Network, including HUD and the Department of Justice to harness the expertise of our mission driven career and political colleagues and with community leaders like yourselves who are on the front line of the impacts of our actions, or inactions, and whose input is of the utmost importance in our policy and priority development.

Now, as we all know, the President and Vice President took office during the middle of a pandemic and during a spike in anti-Asian hate. From the beginning of this Administration, the President has been swift to address the disproportionate impact these overlapping crises have taken on the AANHPI communities. [That's why in his first week in office, the President issued a Presidential Memorandum condemning racism, xenophobia, and intolerance against AANHPI to combat the spike in violence.](#) And in May, he signed the COVID19 Hate Crimes Act, which includes the [Jabara-Heyer NO HATE Act](#) and it passed by overwhelming bipartisan margin.

Under this critical new law, the Attorney General of the Department of Justice has designated the Chief of the Department's Civil Rights Division Criminal Section to facilitate the expedited review of hate crimes. And with the new law, our nation is now one step closer to keeping justice and safety for AANHPI communities and all marginalized communities.

[President Biden took another important action in May by signing an executive order advancing equity, justice, and opportunity for Asian Americans, native Hawaiians, and Pacific Islanders.](#) This order reestablished and expands on the White House initiative on AANHPI, along with its advisory commission, interagency working group, and regional network of the field offices of our double agency. And among other things, it calls upon the Attorney General to support state and local agencies and AANHPI communities in the department's efforts to prevent discrimination and expand data collection and public reporting of hate incidents.

The Attorney General's taking this charge in stride. In May, under his memo on improving the department's efforts to combat hate crimes, the Associate Attorney General assigned one of her deputies, Rachel Rossi, to lead the creation and coordination of the department's anti-hate crime and incident resources. In her role, Ms. Rossi engages with AANHPI stakeholders on anti-hate efforts and will track the department's efforts to comply

with the Attorney General's mandates and the requirements of the new hate crimes law. The department is also overseeing funding opportunities to assist state and local governments to help prevent and address hate crimes through its Office of Justice Programs, and the FBI's elevated civil rights violations to its highest-level national threat priority. [They created a hate crimes page on its website to encourage reporting and launched nationwide civil rights trainings that features leaders from the community along with justice and FBI officials.](#)

In addition to responding to the spike in anti-Asian violence, President Biden is, of course, committed to ensuring that all communities, including AANHPI communities, not only feel safe from the threat of violence but are able to thrive. This means being able to access affordable housing without threat of intimidation or interference based on race, color, religion, national origin, sex, disability, or familial status. To that end, let me brag on HUD for a moment. HUD, an agency with the best mission in government, esteemed career professionals in service, and an agency that I was deeply proud to serve in during the Obama Administration, has taken this call to action in hand.

Under the Biden-Harris administration, HUD has taken significant steps to prohibit housing discrimination. Consistent with the Supreme Court decision in *Bostock* around workplace discrimination, HUD took measures to enforce the Fair Housing Act to combat housing discrimination based on sexual orientation and gender identity. HUD has also proposed reinstating the disparate impact rule and the affirming furthering fair housing rule. The disparate impact rule would establish a standard for determining whether a housing policy with a discriminatory effect violates the Fair Housing Act and AFFH will require governments to analyze patterns of segregation and submit plans to address those patterns in order to receive HUD grant funding.

[Finally, at the President's directive, the Secretary of HUD established an interagency task force of over a dozen federal agencies on property appraisal evaluation, or PAVE, which she now co-chairs with Ambassador Susan Rice at the White House.](#) The task force will deliver a report describing the cause and consequences of undervaluing properties and provides recommendations to address that systemic undervaluation. So, here we are, somewhere between the ninth and tenth month into the administration, and the White House is committed to working with all of the communities to continue in engage in conversations like these, to find solutions to the problems and challenges that are facing us, and maybe find some opportunities to come together to celebrate, too. I look forward to the opportunity share this space with you. Cashaura, I'm going to turn the virtual floor back to you.

MS. HILL [0:18:25]: Thank you, Erika. We're so honored to have had you with us today. Now that we've had all of these very insightful welcoming remarks, let's move on, and I'll share the learning objectives for today's forum. Together, we will: Identify the incidence and types of harassment and violence against the AANHPI community, especially housing-related; understand the mental health effects of harassment and hate crimes; understand the legal standards for cases alleging Fair Housing Act harassment and hate crimes;

recognize resources to assist persons in the AANHPI community; discover tools to investigate harassment in a residential setting.

As we move into today's roundtable discussion, I want to remind you all that you will have the opportunity to submit questions that we will do our best to address later in today's event. However, please note that we will not be able to get to all questions. And personal questions will not be able to be addressed.

You can submit questions at any time via the Q&A box. Also, as a reminder, this event is being recorded, and materials, including the slide deck and event recording, will be available on the forum page on HUD Exchange soon after the event.

It is now my pleasure to introduce Chang Chiu, Special Policy Advisor in the Office of Fair Housing and Equal Opportunity at HUD. Chang joined FHEO as a Special Policy Advisor in the front office last January. He is a Biden Administration appointee and coordinates FHEO's work on important administration priorities. Chang will be acting as our moderator for today's forum. Thank you so much for joining us today, Chang. Please, take it away.

CHANG CHIU [0:20:24]: Thank you for that welcome, Cashauna. It's a pleasure to be here. I also want to thank Erika Moritsugu to take the time to speak with us earlier about the Biden-Harris administration's actions by combatting harassment against the AANHPI community and on racial justice.

My name's Chang Chiu, and as Cashauna said, I serve as the Special Policy Advisor for the Office of Fair Housing and Equal Opportunity at HUD. It is a pleasure to serve in the fair housing and civil rights office. I'd like to share a little bit of background on myself. I'm an immigrant who was born in Taiwan, and I moved to the U.S. at a young age. I grew up in Houston, Texas. I know from my experience and my family's experience that discrimination and harassment against Asian Americans is real. It exists. I also know that there are outstanding leaders in civil society at all levels of government that are working to address harassment and bias against the AANHPI community.

During the pandemic, the last year and a half has shined a spotlight on attacks against the AANHPI community. We should recognize, however, that this kind of harassment happened prior to the pandemic, and it's a long-term issue that our nation faces. Housing discrimination against the AANHPI community can often be a hidden offense. And as folks have mentioned previously, underreported. And it's important for both the AANHPI community and fair housing practices to receive training on how to identify and address this discrimination.

And that brings us to the focus of this panel today. So, I'm thankful for all of you for listening to this forum and to our three panelists who can help us learn.

Joining us today, we have Charles Evans, supervising attorney with Asian Americans Advancing Justice; Seema Agnani, Executive Director of the National Coalition for Asian Pacific American Community Development, and Allan Lazo, Executive Director of the Fair Housing Council of Oregon. [The bios of each of these speakers is on the page at the](#)

[NFHTA website to read more on their backgrounds.](#) We're excited to hear from each of these panelists. Please note that later in the forum, I will ask a few questions of each panelist and then open it up for other panelists to give additional comments. So, with that, I am now going to hand it over to Charles.

CHARLES EVANS [0:23:01]: Thank you, Chang. I appreciate the welcome. I'm here to talk a little bit about a number of different important issues, and we're going to start off talking about the nature and extent of harassment and hate crimes against the AANHPI community.

I want to point out the [Asian Americans Advancing Justice of Los Angeles](#) serves over 15,000 clients and organizations each year and working with our clients, we hear the same thing over and over. The recent increase in acts of hate directed toward members of the AANHPI communities have people feeling scared and uncertain about what the future holds.

One of my goals this morning is to give a small glimpse into what is being experienced by members of these communities. Before I get into the acts of hate and discrimination, I want to talk a little bit about the label "Asian American." It's the fastest growing demographic in the country between 2000 and 2019. The Asian population specifically saw a boost of 81% compared to only 70% and 61% among Hispanic Americans and African Americans. It's an identity that is extremely useful in aggregating the experiences of several different people and for building political solidarity in activism. Unfortunately, it's also used as a tool by people opposing affirmative action and other corrective measures holding up Asian Americans as a model minority. And in doing so, that label hides several very important differences between the ethnic groups and communities that make up the Asian American, Native Hawaiian, and Pacific Islander population. It encompasses 50 ethnic groups and 100 languages just in the United States and amongst these communities, there are generational and religious class and other differences that give members of these communities a different perspective and different opinions, different attitudes, in addition to what they might experience belonging to this aggregate Asian American.

Unfortunately, one key experience for members of this are the xenophobia and racism that are not new experiences, as Chang pointed out. Even before the recent uptick that we've experienced, in U.S. history, it was not unknown. For parts of time, I cut out a part where we would talk about past experiences, and we'll move on to what present day manifestations look like.

The recent uptick we're observing started in March of 2020, around the time of the former President's "Chinese virus" tweet. Almost immediately after hashtags of various slanderous issues towards Asian Americans and native Hawaiians, Pacific Islanders spiked. And since then, there have been efforts to track the kinds of hate incidences that people are experiencing.

We've had reported to multiple databases over 9,000 different hate incidences just since March of last year. Almost two thirds of them involved verbal harassment of some kind, usually involving some kind of very specific anti-China or anti-immigrant language.

Shunning of the target, asking people to not do business and to leave areas is also common. And unfortunately, over 12% of those also included physical assaults in addition to anything else that took place.

It's important to notice that the animus against the AANHPI communities includes a very strong intersection with gender and sex-based acts. Almost two thirds of the incidences reported were by women, and it's important to note that these statistics are continuing to show an increase, even if that increased rate is diminishing. Physical assaults, online hate and vandalism have increased even from last year. We're talking 2021 versus 2020, but we are, thankfully, seeing some downticks on the verbal side.

It's important also to keep in mind that these things largely take place in public spaces. These are spaces where bystanders have the opportunity to intervene and stand up for the people who are being, for lack of a better word, attacked. It's the sort of thing we all should be keeping in mind in our daily operations, keeping our eyes open for these kinds of acts of hate and bias.

Going back to what I mentioned in the previous slide, the experiences of members of different Asian American and Native Hawaiian, Pacific Islander communities varies considerably. These statistics are aggregating across all members of that population, but some efforts at looking more granularly have seen that members of certain ethnic populations have much higher rates of experience versus others. It's also important to keep in mind that the data here underrepresents the problem. Members of many AANHPI communities experience barriers to reporting, such as cultural isolation, language limitations, technological hurdles. One survey-based estimate by the Public Policy Institute of California estimates the number of AANHPI experiencing hate incidences is closer to one in ten, which would mean millions of people across the country.

In the housing context specifically, there's a lack of scholarly research about acts of hate focused on the AANHPI community. However, there is a lot of anecdotal evidence that we can rely on. There have been reports just to my organization and our community partners of neighbor and landlord harassment that have, like the acts that were reported to the trackers, increased in 2020 and 2021. The reports to our organizations just here in the Los Angeles/Orange County region have increased over 300% since 2019. Most of these reports are by neighbors, but landlords do make a considerable portion of the harassers. Unfortunately, it's difficult to tell whether the incidence by landlords are being more underreported than reports about neighbors because of the possibility of retaliation by landlords that have the ability to try to force people out of the home if they disagree too significantly with the tenant's behavior. We're speculating that landlord harassment is pretty underrepresented due to the fear of retaliation that I mentioned and the harassment

around the COVID-19 pandemic that has tied in we conviction moratoriums that have limited the ability of landlords to forcibly evict tenants for nonpayment of rent.

In the housing context, nearly a third of the reports that we've received include circumstances of vandalism, trespass, nuisance. Oftentimes, you know, leaving marks on doors, litter, or in their face challenges using harsh language. Attempts at involving law enforcement have not been terribly successful. Unfortunately, a lot of police officers seem to default to "oh, this is just a neighbor dispute," and they don't take any strong action, unless there is some significant evidence at their disposal or the individual in question has already sought out a protective order.

All of that is just a small glimpse of the kinds of things that people are experiencing. There is enough variance in what people are experiencing, and the problem is deep enough that we could have an entire panel just on the acts of hate and still barely scratch the surface. Rather than do more of that, we're going to talk a little bit about the mental health aspects that correspond with these experiences.

Many individuals of the AANHPI community experience racism. They've reported being more stressed about what their experiences have been than they have been about the pandemic itself. The experiences that they get and what they are afraid they'll receive because what they've observed in their communities is more stressful to them than the pandemic itself. I can't stress how crazy that is enough. Compare this to findings that Asian Americans have consistently displayed lower prevalence for serious psychological distress and lower rates of mental health treatment compared to other groups, and that tells you what sort of problem we're facing.

The AANHPI community members who reported racism have also demonstrated heightened symptoms of depression, anxiety, stress, as well as physical symptoms that correspond with those conditions. One in five displayed signs of emotional trauma. After that reporting, the victims who experienced racism also tended to have lower race based traumatic stress. So, it's important to note the value of reporting and hearing people's stories when they have these experiences.

Again, though, the experiences of the AANHPI community are not a monolith. If you break down these experiences according to the different backgrounds, immigrants, people with limited English proficiency, they tend to have stronger negative experiences because of the barriers they experienced in accessing mental health care. And keeping that health care in a sustained fashion so they can recover properly rather than just a one session and done.

All of the reporters for the mental and emotional stress described that persistent racial stereotypes seem to feed in with a lot of the language that they were experiencing. And that those same stereotypes also affected their ability to seek help. Myths, such as the model minority stereotype seemed to affect how seriously some of the people that they shared their experiences with received the message and what sort of actions were taken in response. So, it's important to remember that these sorts of stereotypes contribute heavily

to the kinds of misconceptions that can limit a people's ability to obtain the necessary mental health treatment that they need and their recovery from traumatic experiences.

That was more of a short-term response discussion. There's still the open question of what any short and long-term consequences are. There is, unfortunately, of research focused on the AANHPI community and their experience around experiencing acts of hate and harassment. Oftentimes, the studies that are out there have a very small AAPI sample size, so it's hard to draw any correlations that could lead to policy changes.

What studies there are shows that workplace harassment for people of color seems coordinated with negative mental health indicators over the long run, and there's no reason to believe that the AANHPI communities would be any different. The frequency of the harassment that is experienced and the continued fear of harassment also correlates with long-term depression and even post-traumatic stress. It's especially strong immediately after the traumatic incidences and decreases over time, so that gives some hope that is treatment options that will eventually remove these kinds of long-term consequences from people, but it's still an issue among all people of color who experience these kinds of acts. Like the acts of hate themselves, though, we need to keep in mind that there may be an underreporting issue. Long-term consequences may go undiagnosed because people aren't going forward and describing the kinds of depression and anxiety symptoms or the physical symptoms that correspond with those, for the same cultural, technological, or social barriers that were preventing or limiting the reporting of the initial acts in the first place.

It's really an area that requires a lot more attention, so that way, the problem can be better understood. But what little we do know gives every indicator that there is significant need to both prevent acts of hate and harassment as well as provide adequate resources for doing outreach, so that way, people get the assistance that they need, as well as providing sustained assistance to folks who might have language or economic barriers after they experience acts of hate or harassment.

I also have the privilege of segueing into the legal standards to establish harassment or hate crimes as a fair housing violation. Harassment in a housing context is typically considered a form of discrimination, in violation of fair housing laws, and it can be based on a variety of factors. There's an extensive body of law governing fair housing, and we're not going to be able to do it justice here, so we're just going to touch on some of the key issues and factors that people should be looking out for. We're going to focus primarily on discrimination, but I want to point out, there are other possible claims that people should keep in mind when they experience harassment in their housing context.

In addition to being a violation of federal and state fair housing restrictions, there may be civil harassment options available in your state. There's also options that will relate to the contract between the landlord and the tenant, including a nuisance breach of covenant of quiet enjoyment and breach of covenant of good faith and fair dealing. They have the ability to retain the ability to reside in the unit they're paying for, free of certain kinds of

barriers. And if the landlord is harassing the tenant, they're limiting those things. If the landlord has the ability to stop neighbors from doing those kinds of harassing activities, then they may be breaching those duties, simply by not taking steps to limit the neighbor's harassment. So it's important to keep in mind that your local jurisdiction may have other tools in addition to fair housing discrimination basis of tools.

Going back to fair housing prohibitions specifically. The federal laws are a floor, and it's important to note that state laws may provide additional protections above and beyond what the federal law allows. Just looking at what constitutes a protected class for prohibiting discrimination, Federal law limits any certain discrimination based on race, color, national origin, religion, sex, familial status, or disability. But California, for example, protects all those and several others. And as I mentioned during the acts of hate part, there is some significant overlap between these acts of hate directed towards AANHPI community members directly and other kinds of acts of hate. So, keep an open mind, look out for other opportunities, and make sure you check your local jurisdiction for what sorts of protections they might have above and beyond federal law.

Here's a brief list of the kinds of things that could constitute harassment if it's motivated on a racial or ethnic basis. If they're targeting people for some sort of negative treatment because of their race or national origin in the context of the COVID-19 pandemic. If they're creating the hostile environment or going out of their way to deliberately harass individuals. If they are relying on even just monolingual signage to communicate key information to tenants when they know the tenants may speak other languages - that sort of reliance could also be a form of discrimination. Failures to provide services or to do the services in a poor fashion, all these things could constitute forms of harassment. Basically, any of the duties that the landlord has, if they're changing the way they're doing those duties or providing those duty services to other tenants, rather than to AANHPI tenants, then that could constitute a form of harassment or discrimination.

Now, when you bring a claim for this kind of harassment, there needs to be an element of intent. I'm grossly oversimplifying here, but that's what it basically boils down to. At the federal level, you have to establish that the defendant had a discriminatory intent or motive as part of the jurisprudence, and that usually involves three steps: First, the person complaining has to show a prima facie case that there was some sort of discriminatory behavior. Then the burden shifts to the defendant to show that their behavior had a legitimate and nondiscriminatory basis. And then the burden shifts back to the person who is affected to show that what the defendant just said was just a pretext to the actual, actual discrimination.

Showing the discrimination can take one of two forms. There is explicit discrimination, where the person in question is behaving in a way that disparately treats the member who's claiming discrimination. It usually involves the claimant trying to exercise some sort of basic right under fair housing laws and the defendant's conduct was discriminatory, it was the proximate cause of some sort of injury related to that exercise of right. And the rights we're talking about can be as simple as the tenant's right to quiet enjoyment of their unit.

Most of the harassment claims of the racial variety are likely to be in that category simply because, unfortunately, a lot of the hate directed towards AANHPI community members is rather explicit. As I mentioned during the hate incidences section, there is a strong tendency to include a lot of language that's very, very specific about the people in question. And also, it's easier to prove. If you can demonstrate that the discriminator was using certain kinds of language or accessing certain kinds of behavior, that could be evidence of the disparate treatment.

What's more difficult is when there's a facially neutral policy or rule and the person in question, usually a landlord is pretending, or at least by pretext, or is unaware of the disparate impact that their behavior might have on certain members of their facility. It's not intentional in the same way that the disparate treatment might be. It doesn't necessarily have to be something that they did on purpose. But it substitutes for traditional intent for satisfying the standard that's required under the law. It's a lot harder to prove because it requires you to show that there was a statistical basis for thinking that there's a disparate impact between the different groups, as well as not direct evidence of discriminatory behavior, but circumstantial evidence of how the policy is created or how it's enforced or why a different policy would be better. Usually we're looking at evidence that shows variations from what should be happening or unusual sequence of events that makes it clear that the policy has this sort of impact, combined with the statistical analysis showing that that impact is significant and it's reasonable to believe that the discriminatory behavior does, in fact, have a disparate impact on certain members, rather than on others.

Still, these sorts of harassment-based discrimination claims can be very difficult against landlords or their agents, because they may be doing their best to camouflage their discrimination or may not realize how discriminatory their behavior is, and that makes it difficult to have their behavior as evidence of the discrimination, forcing you to rely more on the circumstantial evidence based on differences from best practices or the statistical evidence to show what took place.

This is just a very cursory overview of all of this. This is meant to show the kernel of what might be necessary in a fair housing context to establish this kind of discrimination. There's a lot more to look at, and I encourage all of you to look at the jurisprudence in your area to see what sorts of additional tools might be available or what sort of additional requirements might apply in your area.

And with that, I will hand it back to our moderator. Back to you, Chang.

MR. CHIU [0:46:50]: Thank you, Charles. Our next panelist, Seema Agnani, will speak about how to encourage cultural competency when working with the AANHPI community and how local organizations can effectively address harassment and hate crimes. Seema?

SEEMA AGNANI [0:47:10]: Thank you, Chang. I appreciate the opportunity to be here with you all today. Let me share my screen. So, yes, thank you so much for having me here today, and thank you for all the work that you all do to address discrimination in our communities. My name is Seema Agnani. [I'm with National CAPACD](#). We're a coalition of

about 100 community-based organizations working across the country in low-income, Asian American, Pacific Islander communities and neighborhoods. National CAPACD this was mentioned by Charles in the previous presentation, but always worth mentioning a few times. The Asian American, Native Hawaiian, Pacific Islander community is the fastest growing racial group in the U.S. today. [The Pew Research Center has done good research in recent years on these issues, and so, just sharing some of the data here.](#)

What's important to note is these populations are growing predominantly in the highest cost housing markets in the top ten metro areas, so that leads to a lot of the housing issues that I'll talk about in a minute.

The community is extremely diverse and also has diversity in terms of income, right? We have the highest, you know, level of income inequality within a racial group. So, the top 10% are making more than ten times than the bottom 10%. So, not a monolithic group in terms of race and ethnicity, also that we definitely do have members of our community that are doing well in this country and others that are struggling. In fact, the AAPI community has the highest rates of poverty has the fastest growing rate of poverty of any other ethnic group. Let me say that correctly.

So, as I said, the majority of those living in poverty are living in the highest cost housing markets. So, you know, that leads to a lot of challenges in terms of risk of displacement, often living in gentrifying communities. Many of our renters and tenants are living in overcrowded conditions and informal housing situations.

I used to work in Queens, New York, with the South Asian community there, and a lot of the housing conditions that tenants were living in were extremely unsafe. And in fact, the recent floods that caused many people to, in fact, pass away from housing conditions, they were living in basement apartments. That was the community I was working in, you know. So, a lot of those tenants are facing various serious challenges in terms of quality of life.

Also, there are very high rates of limited English proficiency, and that also has led to a number of issues in terms of landlords implementing harassment tactics in order to push tenants out. We, in fact, I remember seeing situations where a landlord initially pushed out all of the Latinx tenants and recruited South Asian tenants, thinking they would be more docile, and then those group of tenants ended up organizing and having, you know, led to their - they were able to get improvements in their building as a result.

So, I'm sharing all of this just to share some context of where these issues are emerging. But really, you know, many of the Chinatowns and communities like Little Tokyo really emerged as a result of decades of redlining. Many Asian Americans were these neighborhoods really emerged because people weren't able to access affordable housing in other areas. And so, these communities have evolved over generations. And so, today, many of our community members are fighting to preserve those neighborhoods and retain their housing. And so, that's also relevant here in terms of fair housing issues.

Asian Americans and Pacific Islanders also are more likely to live in multigenerational households. You know, some of that is by choice, and others are, again, because of the lack of affordable housing in these neighborhoods.

English proficiency, again, pointing to the diversity of our community. This is from 2015. But really, you know, the LEP [Limited English Proficiency] rates are very high in certain parts of our community. People have come to the U.S. for different reasons, different immigration policies that brought many immigrants here, and others have been here for many generations, and so, that diversity also has impacts in terms of LEP rates.

In terms of the rental side, I thought it was valuable to lift up what our recent findings were when we took a look at who was able to access the emergency Rental Assistance Program in response to COVID19. What we found is less than 25% of renters in our network were really able to access ERA, and I know that's a challenge of the program more broadly, but some of the issues that emerged when we surveyed our members were eligibility requirements, language access, of course, egregious relationships with landlords that were unwilling to really accept the rental assistance or show documentation. And then, many, of course, are living without a lease.

And many of the relief programs, really, the language access has not been great for the Asian American or Pacific Islander community. [And so, our members have done a tremendous amount of work to try to translate information and materials, and we also have some available on our site, if that's helpful to any of you.](#)

Homeownership, on the other hand, is also similarly very diverse in terms of home ownership rates. You know, one of the things that National CAPACD, in partnership with many national organizations, pushed for in recent years was for improved disaggregated data in the HMDA [Home Mortgage Disclosure Act] data set. And so, we now have at least improved data which shows the different ethnic subgroups within our communities and as it relates to mortgage lending. So, we do have some improved data in recent years. But home ownership rates also vary depending on ethnic subgroup within our communities.

Here you can see the Nepali, Samoan, Bangladeshi, Nepalese, many are refugees or recent immigrants, as well as Pacific Islander communities that are really struggling with home ownership at much higher rates. And barriers to home ownership, you know, debt-to-income is the highest, of course, but denials. You know, we did some research on fair housing, and I know on the National Fair Housing Alliance has also recently released some research on this. But really, the denials for mortgages, really, there are a lot of one of the top percentages of why people were denied was really unknown. It wasn't necessarily their income. It wasn't necessarily even down payment. But really, a lot of inexplicable denials.

So, some of this was also, Charles cited the statistics, so I won't go through them all. These percentages were pulled from some of our own research, as well as [Stop AAPI Hate's site](#), really to reinforce that the recent rise in hate incidences has very much impacted our communities and neighborhoods. I can tell you that even the staff of our members have been severely impacted. You know, many are afraid to go out in their

communities, and that continues today. So, this is an ongoing issue, very reminiscent of what the South Asian community experienced post 9/11, where I was working in Queens, New York. And really, everything from housing to employment was impacted in that time and continues to for the South Asian and Muslim community as well. So I think there are a lot of lessons learned there that we should be looking at, at this time.

In terms of the diversity of our membership, just to give you a sense. Among our members, we have more than 40 languages that our groups are speaking, providing direct service, outreach, organizing. And the reason I'm sharing this is because, really just to say that these organizations are really the best way to reach AAPI communities. You know, we recently did a study of our Housing Counseling Network. And really, what it confirmed for us, more so than we expected, was that if it were not for our member organizations based in these local communities, the Asian Americans and Pacific Islanders in those regions really would not be served. So, you know, all this is to say, the best way to reach Asian Americans and Pacific islanders is to partner with organizations like those in our network and really encourage organizations to do so.

We recently did a study, asked our coalition for updates on how things were going in terms of fair housing, and there are a series of quotes I have put on this slide to really give you a sense of what our groups are saying that really aligned with what Charles' presentation said, you know, increased racism among landlords, increased evictions. We're hearing that evictions definitely are continuing and did continue even during the eviction moratorium.

I think the elderly are particularly vulnerable. And the trans/LGBTQ community also.

This quote around co-ops I wanted to lift up. Again, this is the organization where I was previously. But you know, co-ops in New York City to this day are not required to give a reason for denying a housing application. And you know, it's a highly unregulated part of housing in New York City, and I'm sure in other places.

And so, one of the solutions that we've been thinking of in terms of fair housing in situations like that is really the need for systemic testing, rather than complaint based fair housing strategies so that where there are larger numbers of complaints, we would recommend looking at those types of strategies. I'll just leave this up for a minute so you can read.

So, in terms of recommendations for fair housing organizations. Again, build long-term and equitable partnerships with culturally and linguistically competent CBOs [Community Based Organizations]. You know, a lot of the groups in our network are small. They don't necessarily have capacity to always translate and carry an additional layer of doing outreach in partnership with public or private entities or other nonprofits. So, as you work with these organizations, encourage equitable partnerships, meaning provide resources for translation and outreach as well.

Also, tenant and homeowner/small landlord education. A lot of homeowners have rental units in their homes, and there's a real need for education of homeowners as well as smaller landlords on fair housing laws.

Also, when bringing in bilingual staff, invest in professional development and set realistic performance goals. So, this is for organizations that are really interested in serving our communities and want to recruit staff. From my experience, really need to make that investment. You'll be able to find people with language skills, cultural competency, but will need the greater investment in skill development on these areas.

And then also, do the research. Again, just pointing out the diversity of our community. I've seen situations where a city assigned a fair housing counselor in a community but that spoke the wrong language, because they didn't actually do the research to figure out which AAPI community was in that neighborhood. So, take the time to understand the community before moving forward.

And then, of course, ethnic media is always a great partner, but there is also education work to do there, you know, in terms of fair housing issues and the advertising that happens in ethnic media as well.

In terms of policy advocacy recommendations, you know, we always would appreciate greater advocacy around language access policies. In terms of responding to the rise in hate incidences, really asking local, state, and national elected officials to make statements around those issues. And then, AFFH [Affirmatively Furthering Fair Housing] just wanted to make sure that lift up the need to bring in local CBOs in that process as well, as it comes down the pipeline. You know, local community engagement, again, will need to happen in a way that encourages LEP populations to participate. And so, encourage groups to think about partnering with other community-based organizations and investing in the translation and outreach work that will be needed to do that well.

I have lessons from Nola in Philadelphia here. Essentially, in 2016, we followed the process in those two cities, and a lot of lessons learned there. In New Orleans, really an exemplary process was put in place. So, Cashauna, shout out to you. You know, translation was put in place. Our groups in that situation didn't have the capacity to engage in the way that they wanted to, but really, at least the organizations there made the effort to reach out to our communities and were at least able to engage on some level.

In Philadelphia, it was a web-based process, and really, only Spanish and English, and everything was online. And in that case, we were able to support our members in Philadelphia in translating information, doing community surveys, and really engaging the community in the process. So, ultimately, we did get a good outcome in that Chinatown, Philadelphia, which is more than 100 years old, is now in the Consolidated Plan of Philadelphia for the first time in history, as a result of that process and the work that those groups did. So, you know, just wanted to lift up the importance of engaging those groups in that process.

So, lastly, I will close out with a "Coming Soon." I was hoping we could preview a series of PSAs that we'll be releasing soon, in partnership with HUD. National CAPACD is getting ready to release a series of PSAs that we hope will be useful to all of you as well. It will be

in 15 languages, so look out for those later this year. They will be available online and definitely would love for them to be helpful to you in your work.

Also just wanted to lift up what else is available on our website. We have data on AAPIs by metro area. On our website, our member organizations are there by state, and a number of materials that are translated on housing rights. I'll stop there. Thank you.

MR. CHIU [1:06:12]: Great. Thank you so much, Seema. Thank you for a great presentation and recommendations. Being from Houston, it was great to see the Chinese Community Center in one of your slides. I'm very familiar. I'm glad you're part of the network.

There have been a lot of great questions coming in through the Q&A, and we'll make sure to assign them to panelists and get them answered at the end. But we are going to move to our final panelist, Allan Lazo, who will speak to us about how to investigate housing related harassment and hate crimes. Over to you, Allan.

ALLAN LAZO [1:06:55]: Great. Thank you so much, Chang and Charles and Seema for the work you are doing and the presentations here this afternoon. You know, it's so great to have a panel like this where the pieces will all kind of mesh together. And so, I'm hoping to bring that perspective from as a Fair Housing Initiative Program, a private, a fair housing group, to all of my colleagues here today.

So, I wanted to open by giving you a little more personal introduction to me and the motivation that brings me to our work around the Fair Housing movement. I am the proud son of immigrant parents from the Philippines. This is my parents shown here on their wedding day in San Francisco in 1962. And I just actually want to take a moment here to honor my mom, who shortly after this photo went on to have three kids in 1963, 1964, and 1965. So, imagine that. And was hauling those three toddlers around this area in San Francisco where this photo was taken, that is in the mid '60s. That's just about four blocks from the Haight-Ashbury district, so you can only imagine the stories she used to tell about hauling these toddlers around in that area during that time period.

So, I know that each of us in the fair housing movement have many reasons for joining the fight to end housing discrimination. And for me, one of the motivations was the discrimination that my father experienced in employment. He brought a discrimination suit against the U.S. Army Corps of Engineers under the Civil Rights Act. This pursuit of hate and harassment and including communities is personal and professional for me, having a family member that experienced discrimination. And I recognize the impact discrimination can have on individuals and families. As part of this lawsuit that my father brought forward, I believe that he chose to work with an attorney who was South Asian, which I think was purposeful and part of how he found safety in bringing his fight forward. And in reading through these court documents that you see that I went to the federal courthouse and got, I also realized, as you can imagine during the time that this occurred, how difficult it would have been for my father to bring his complaint forward through those internal enforcement channels like the EEOC [Equal Employment Opportunity Commission].

And all of that is to say that as I come here this afternoon to this panel, I come with both deep personal and professional commitment to the work that we do in our fair housing movement to address hate and harassment of any community. We also know that the intent of incidence of hate and harassment, particularly those that take place in housing, is ultimately to make some community members feel unwelcome and to exclude them from certain places in our communities. So, it becomes vitally important for us as practitioners, whether you are in a private fair housing organization or a FHAP or an agency, to be vigilant about how we approach our work across all aspects of investigation.

When we were involved especially with culturally specific incidents. I know we talk about this as fair housing investigations, but really, for me, there's a broader perspective in how we do our work that isn't centered just on that investigation piece. You can see that on this slide here, that really, this work needs to cut across the work we do around education and outreach, how we are generating and gathering and approaching intakes and inquiries, how we are processing bona fide fair housing allegations, and then some specifics about the investigation itself, and also beyond that, how do we think about complaints or remedies that we might bring forward in response to these specific types of incidents.

But in addition to thinking about these phases of the investigations of incidents, I also found it useful when thinking about this to break our work down into several areas of focus that we might look at when we're doing that work across those different phases of an investigation or our fair housing work, again, especially when we're doing outreach and working with culturally specific communities.

A lot of what I'll talk about, and I think a lot of what our presenters today have talked about isn't necessarily groundbreaking information, but it's a good opportunity for us in the movement to have a reminder that as we do our work, there are many impacted communities that we serve and that these areas of focus often will bring value to the work we do in all of those communities.

So, in addition to talking about some of the examples we might think about as we're doing this work, I'll bring in some of the local examples of the work that we've done here. Again, if folks didn't catch it, I'm out in Portland, Oregon, on the West Coast here.

So, the first piece, really, here, I think, is a call for us to check our bias as we're doing our work in fair housing in organizations. As lots of folks have talked about, as Seema talked about, Asian American communities are often seen as being successful, but there is a large disparity that exists for many different types of communities. So, as we've heard here, we also know that these communities are under severe attack over the last year and a half. We also know, as Charles alluded to, but we didn't necessarily cover today, and I think lots of folks probably know about this, this is not new for Asian American communities and Asian American and Native Hawaiian and Pacific Islander communities, and that these communities have long experienced and been subjected to incidents of hate and harassment. So, in our movement, we need to ask ourselves, in return to thinking about

that what sometimes is perceived success of AANHPI communities, how does that impact our work in traveling through those different stages of our investigations and our outreach?

So, as Charles also alluded to earlier, we also know that the reality for AANHPI communities is that they're far less likely to file complaints over harassment. [This is an ABC News story that talked about the anti-Asian attacks and the underreporting that is happening. Similarly, NBC News came out with one last spring when the attacks were very much heightened in the middle of the pandemic.](#) And these national news stories that came out, you know, when there were these high levels of hate and harassment incidents, that these communities were asked how comfortable they would be reporting a hate crime to law enforcement authorities. Only 30% of Asian Americans and 36% of Pacific Islanders responded that they were "very comfortable reporting," compared to for members of the Black and Latinx communities, reported rates at 45% and 42% as being very comfortable in reporting, respectively, while White respondents, unsurprisingly, had the highest percentage of being comfortable with reporting to law enforcement at 54%. So, almost a twice as likely for White respondents to feel comfortable reporting than members of the AANHPI communities.

As some of our other presenters alluded to, this article further pointed out that the reluctant to report could have to do with fear of retaliation as well as concerns over whether or not justice will be served. And I think that's an important piece for us to consider in our work as we think about how we are serving not just this community, but all communities. My sense is that, especially culturally specific communities often underreport because they don't feel like justice will be served.

The stories also noted that different types of enforcement agencies, including the police, often don't provide translators or help in navigating complex, in this case, criminal justice systems, and I think that's also another takeaway for us is what can we do to better help folks who are coming forward in navigating what can be complex systems in reporting or investigating. This also said that that occurred mainly in the heavily immigrant population, that there was distrust of law enforcement, or again, doubt about their effectiveness.

So, really, again for us, it is thinking about that process that we go through from receiving an inquiry or an intake and getting beyond just going through and filling out the form and making sure that we are listening to those community members who are coming forward, understanding the story they're bringing and the impacts they have, and some of that may take some of that, as Seema talked about, some further cultural competency training about how we are interacting with culturally specific communities.

[All of this combined prompted the Urban Institute this last spring also to put out this call for increased focus on AANHPI communities in addressing discrimination, specifically in housing.](#) So, a call, really, for all of us in the movement to really have this additional internal bias checking to be sure we are considering how AANHPI communities might be impacted and how we might best serve those communities as we're going through our work.

I think there's lots of other places we can look at when we talk about, we need to check our bias as we're doing our work to fight both discrimination and the perception of AANHPI communities. I think one of those is thinking about, when we are in coalition with other folks or in community with other folks in supporting different movements around hate and harassment, are we being inclusive of all the communities that are being impacted? And we've seen lots of different movements come forward in the last couple years, but how can we best hold these communities who are not simply pitting the discrimination against one community against another, and how can we put out, when we do put out those affirmative statements about hate and harassment not being accepted here, that we're including all communities.

So, again, I think very often, when we have this bias around a community that we think of as being very, very successful, we may not think to include them in the work we're doing to create inclusive communities as we're speaking about that.

Both Seema and Charles also touched on this. We've all used the word not monolithic, and that is true everywhere. This is a graphic from the census here in Multnomah County, which is where Portland is, the large county where Portland exists. And you can see the number of AANHPI communities that exist there. And again, the other point about that is not only are there many different communities, there are many different experiences that these communities are having, which Charles and Seema both touched on.

And so, it really calls for us, again, to be, as I put in that list of areas that we should focus on, for us to be intentional about our work and be specific. And so, that might show up for instance in how we look at testers and where testers are coming from and what those testers, what communities they might represent. I think that's a really difficult area for all of us as we go out to recruit testers, but I think it needs to be a consideration in what we are thinking about when we are thinking about the elements of investigations. You know, we really need to make sure we're having testers that are as broad as possible across communities and really interest how that representation looks like. And certainly, that becomes a pretty broad challenge when we have a broad label like AANHPI and have, you know, such a large number of different types of representation. I think that can be true in lots of other communities also.

I think we also need to think about, whether it's in testing or filing complaints, how is it that we're conveying the protected class of those who have been impacted, whether that's, again, even filing complaints or developing test methodologies, you know. And that can only come from us ensuring that we are close to the complainant's understanding and getting to know who they are, what the impact was, and how they are representing themselves, rather than just making assumptions based on whether or not having, in this case, a lot of times, not having been able to meet complainants very often these days and much of that work being done by email or by phone. So, I think it does become important when we're working with culturally specific communities, to get that opportunity to make sure we're understanding what the specifics of those communities are.

Many folks also I think are doing email testing these days. And so, it becomes another opportunity for us to think about how we can be intentional and be specific about what we are conveying in those tests and conveying about a tester or especially when we are working on a complaint-based test where we're trying to represent the issues that a complainant has brought forward.

I think there's also some of that piece, when we talk about communities not being monolithic that for us in the movement, there is a call also for us to think about how that might impact data that we are bringing forward. We sometimes tend to group all of that data into that one AAPI or AANHPI broad category. And so, it really does hide some of the experiences of other members of our communities. I think we need to be cognizant of that when we are talking about data and experiences and be intentional and be specific about the impact of certain communities. And especially when we think about how those impacts might be spread across different protected classes, you know, whether that might be across race or color, national origin. In some states have local protections, offer protections for immigrants and refugees. So again, there's this sense that we need to be fairly specific about what's occurring in communities and where the impacts are being felt.

We also know, again, I talked about data, that disaggregating data can tell us quite a bit about the differences in communities' experiences. That disaggregation can also help us to drill down on general outreach campaigns that might not be as effective in reaching that set of communities that are very specific. I think Seema talked about the outreach that was done in the incorrect language to folks. So again, making sure that we understand who the folks are that we are trying to reach and what their needs are.

The other piece, I think, when we are starting to look at, you know, kind of move through that process and look at complaints or remedies, I think there are some ways for us to start to think about the specifics of and intent of what a community experienced. When we think about moving remedies forward in response to especially widespread incidents of hate and harassment, thinking, again, about the intent of that and the impact that it has on a broader community. And so, really thinking about what might we do to help a community feel safer and more supported around experiencing hate and harassment.

You know, there's lots of pieces we can do to make sure that we internally have the training that we need, that we are bringing forward specific things like marketing materials and other things in specific languages, but we can also ask that of respondents who have violated fair housing laws based on hate and harassment of specific communities. Can we ask them to provide specific remedies that speak directly to those impacted communities? Could they make contributions to groups that support those specific communities?

I think there's also a broader sense of, in remedies, can we think about remedies that send a message to the broader community when there are violations that send the message to the community that hate and harassment is not welcome here, and for violators of fair housing incidents, might that send a message to a community to help them feel more welcome? So, lots of different things for us to think about, I think, when we are looking at

remedies and how that might benefit communities who have been impacted by specific incidents of hate and harassment, and particularly in housing.

So, the other piece that I put down area of focus is something we always talk about, I think, lots of times in organizations is meet people where they are. I think there's lots of different aspects to that. You know, one of them is we're constantly reminded in our work and of course, it's been more difficult to do these days over the last couple years, but we're often reminded that we need to get boots on the ground. For us, out here in Oregon, back in the fall of 2016, as we started to see lots of different increases in hate and harassment, [there was a community group that came together that was Portland United Against Hate](#), and it was really rooted in community folks coming together and saying, you know, the reporting that tends to serve statistics around hate, and particularly hate crimes, really wasn't serving communities.

And so, a coalition of about 60 community groups came together and said that we want to set up our own reporting system and make sure that our voices are being heard, and when they compared those to the statistics that were being gathered by the local law enforcement agencies, they were significantly different. And so, there's this real divide between what folks who are in enforcement roles are looking for or receiving versus what community members are saying. And the work that we did in coalition with our colleagues at Portland United Against Hate really pointed that out. That divide can sometimes be kind of the level of impact that needs to happen. It can be very legal.

In Oregon, there was actually a change to the bias crime laws in Oregon prior to last year's legislative session. Bias crimes could only be committed by two people. It was because the bias crimes were rooted in White supremacist gangs in the past, rather than just individual acts of hate or bias. And so, it was changed. [We actually had to change the bias crime laws in Oregon so that a single individual who committed an act of bias or hate could actually be prosecuted.](#)

So, I think, you know, again, getting in coalition with those folks and meeting them where they are and understanding what it is that they are experiencing is vitally important in the work that we need to do. Certainly, of course, meeting people where they are is about getting literally on the ground, whether it's talking to neighbors or thinking again about - and I think this was part of our experience with the folks at Portland United Against Hate, was thinking about what made communities safe, and how did they deal with trauma and bring forward folks who could help mitigate those? So, I think it was really important lessons for us to be in these places that had, and Seema alluded to also had trusted community organizations, and think about who the folks were that were those trusted folks in communities, whether it was local religious organizations or community-based organizations that could help provide connections to folks who were being impacted.

So, again, and part of that was that piece that Portland United Against Hate did around data that was intended to inform this conversation about how reporting was so disparate between what communities were experiencing and what enforcement agencies were

pursuing or were viewing as actionable incidents. So, again, that was really part of the next piece of that, really being in coalition with these folks I think was important, and it really led to this other thinking about, don't go it alone, which I think we very often hear this sense of coalition.

One of the remedies or one of the strategies that we developed out here in Portland in response to some testing that we had done, audit testing with the City of Portland, was to bring forward this notion that testing really isn't about statistical opportunity to determine how much discrimination is occurring against certain communities at a certain point, but was really, for me, an opportunity to say, we know that discrimination against certain communities is occurring. What testing tells us is how it occurs, what does it look like, what does the language look like, what does the experience look like. And that was really to counter folks who said, well, you're not really proving that discrimination exists with your testing, right? You're not really catching anybody discriminating. And my point was, I don't think we need to catch people discriminating to be able to identify that discrimination occurs. We know from communities that discrimination occurs. We have some work to do to understand how best to investigate those and make sure that we can prove that, but we don't need to prove that discrimination exists.

And so, one of the strategies we brought forward to help counter underreporting here in Portland was to and through some generous funding through local jurisdictions to create a collaboration between culturally specific organizations, particularly with the here in Portland it was with the Urban League and El Programa Hispano, so working with two specific communities in the Black community and the Latinx community, to partner with them to bring trusted resources internally into their organization to help manage the cases that are moving forward. And rather than the system where we just tell folks to, well, just call Fair Housing Council of Oregon and they'll work on your case.

So, they actually had housing navigators continuing to manage clients as they came forward with issues around housing discrimination. They were also helping them find housing, frankly, because our organization wasn't involved in those aspects of that work. So, they had this trusted partner internally in this culturally specific organization that could help them navigate the systems that we had in place for investigating their allegations moving forward. We also worked to train up their staffs to make sure that as they are doing their work in housing, that they understood what fair housing violations might look like. So, for us, it was a very different model rather than just opening up our hotline and saying, when you experience housing discrimination, give us a call. We really heard from lots of folks that it was the same narrative that we heard earlier around folks being reluctant to call because they aren't sure that they will actually receive justice. This sense that nothing would happen. And I'm not going to say that necessarily we've got statistics that say that more will happen, but I think the process is improved by having a trusted partner helping us bring that client in and helping them navigate these systems.

So, again, there's lots of different ways to do this, but it is this sense that we shouldn't go it alone, that we may have to provide services through other organizations, through trusted

partners that can help us build that trust, can help folks navigate processes, can interpret or translate, and not necessarily just another language, but sometimes navigate and interpret the language that we use when we are doing investigations and trying to get through legal processes very often.

So, again, I think that's true both for private fair housing organizations and for the fair housing advocacy programs. You know, it really comes down to how are you approaching this process that we bring folks through in investigating the complaints that they're bringing forward.

Also, another coalition network out here in Oregon, this Coalition Against Hate Crimes, also brings together community organizations and law enforcement agencies, including a representative from the U.S. DOJ's Community Relations Service. So U.S. DOJ has in their Civil Rights Division, a specific position that is intended to connect with communities. So, those folks have been helpful. We've also done work around connecting with law enforcement folks to make sure they understand what fair housing violations look like. So, as they are traveling around, they might be able to use that as another tool when there is an incident that occurs. [And I just looked this morning, actually, on the U.S. DOJ site, that Community Relations Service, and they actually, I think, was mentioned earlier, they have started to put up some resources around responding to bias and hate incidents in the AANHPI community.](#) So, I think there is a role for enforcement agencies, even in that outreach area, and I think it begins to, again, reframe what that process might look like for folks who are being impacted by incidents of hate and harassment.

The final piece I'll bring forward is that we can do all those things to build trust in communities, but that trust can also go bust. And so, we need to be extraordinarily vigilant when we get to that point. When there are complaints or allegations that come forward, you know, one of the things we ought to be cognizant of is to do no further harm, that we can cause further trauma and further reduce that trust and even decrease reporting further. So we really need to make sure that we are coming to these from trauma-informed and culturally specific ways that are doing no further harm for these incidents.

I think it was also mentioned that there is that you know, we need to continue to build that trust. So, one of the ways we can continue to do that is making sure that folks understand processes, understand what is going to happen and what may not be happening in an investigation. And again, in that collaboration we have here in Portland with the Urban League and El Programa, I think, helps that by having that trusted partner navigate the system. It can help communities understand what that process looks like.

And then as we're working through that, I think folks can lose trust in us if we only show up when there is an emergency or a situation that arises. So, staying in consistent contact with those connections that we're making and making sure that they are understanding where we are in connection to their communities throughout the processes.

Again, just some reminders about populations that we serve and having representation and reflection of those communities. So, as we are recruiting folks, again, both in private

organizations and the enforcement agencies, especially frontline folks and investigators representing those communities, and not only a diversity of staff, but making sure that they're getting adequately resourced around training and resources to continue that work.

The other piece I'm just going to end on is really talking, again, about remedies and recognizing that we've talked a lot about hate and harassment incidents that are occurring in the public sphere right now, and fewer of those incidents may occur in housing, but what we do know in our work is that housing related hate incidents are particularly personal and manifest themselves in those places that we like to call home and where we find comfort. And so, it becomes vitally important for us to address those in a way that makes communities feel safe and to make sure that we're also following up with communities to see if they are feeling safe there. And again, part of those remedies might be related to bringing forward statements by those who have violated hate and harassment laws to say that, you know, we are creating a welcoming community here and that folks should feel safe. So, the specific remedies to think about when these very personal incidents might occur and impact a community.

So, with that, I will send it back to Chang, and I think we'll move into the Q&A session. So, thank you all very much.

MR. CHIU [1:38:09]: Thank you, Allan. Thank you for the great presentation and insightful words on how we can best serve the AANHPI community on the fair housing issues. I want to thank all of the panelists for some really great presentations.

We have had a number of questions that have come in. I'd like to try and get to as many of them as we can before our hour is up. So, let's just move right on to discussion and Q&A. So, the first question I'd like to start with, and I'm going to direct this one at you, Seema, is to get an understanding of terminology and how it relates to protected classes in the fair housing field. So, the question that we had come in is, in terms of language, is AAPI the most comprehensive and accurate term for this protected class? Also, there are terms that are often misused or are inaccurate. This person who asked the question is looking for best practices in language. And I would just note that we have also been using the terminology AANHPI throughout this forum. Seema?

MS. AGNANI [1:39:27]: Yeah, thank you. I mean, it's a good question. You know, I think what I will say is the Asian American and Pacific Islander community is the term that we have been using. Native Hawaiians, you know, are also Pacific Islanders. And so, you know, if we want to be most inclusive, the best way to do it is to name the specific communities that you are referring to, right? I mean, we want to encourage self-determination for everyone.

So, you know, I, myself, am Indian American. I refer to our community as South Asian. But I would say there is definitely a movement towards Asian American, Native Hawaiian, and Pacific Islander. The message I have heard from our colleagues in the Pacific Islander community is, if you're going to include Pacific Islander in how you talk about this community, then be sure to actually engage the Pacific Islander community. I think we

have a tendency to broadly use AAPI, and really aren't inclusive of Pacific Islanders often. So, do the research, figure out who's in your community and name them specifically, I would say is the most effective way and probably best way to approach it. You know, it's a difficult conversation sometimes.

MR. CHIU [1:41:03]: Great. Thank you so much, Seema. That was really helpful. The next question I'd like to get to also deals somewhat with terminology and who we include, and hopefully, are not excluding when it comes to the AANHPI community. The question is for you, Charles. Do you consider the anti-Islamic hate or incidents that have increased since September 11th, 2001, hate incidents that are separate from those that are anti-AANHPI, even though some of the AANHPI population are Muslim?

And I would note here that your presentation, I think we asked you to focus a lot on discrimination that's taken place during the COVID-19 pandemic, but as we've all noted, some of this discrimination faced by our community has been happening for many, many years, and there have been some trigger points in the past as well. So, I'll let you answer the question.

MR. EVANS [1:42:12]: Great, thanks. This is another great question. Anti-Islamic acts of hate continue to be a problem, even 20 years after the events of September 11th. The trackers that we have been using to track incidences of hate against the members of the AANHPI communities were largely created in response to the events of the COVID-19 pandemic, and so, they don't address the significant length of time between September 11th and now. There are, on some of the trackers, there is an opportunity to report religion and use of references to religion. Some don't. In all of them, there's an opportunity for the people affected to describe the nature of the event, including any sort of anti-Muslim language that might have been included in any sort of verbal harassment that took place. So, there is likely to be some overlap, but I don't think that these trackers have been used to determine the degree of that overlap because of their short life span compared to the uptick that folks of, you know, the Muslim religion have experienced since September 11th or anybody, unfortunately, perceived to be of Muslim religion, since September 11th of 2001.

MR. CHIU [1:43:44]: Thank you, Charles. Next question, Allan, I'd love for you to take a stab at. And I'll combine two of these questions because they deal with that category, with landlord and tenants and who's a homeowner, who's a resident. And they're really great to answer from this perspective. I think that will be helpful for you to take a shot at both.

So, the first question is, do landlords have a responsibility to litigate neighbor to neighbor race-based harassment, if one of the parties is not a tenant? This person is thinking of rental homes that may be in residential neighborhoods when neighbors could be homeowners.

And the second one: What should landlords do to mitigate harassment of another tenant? For example, if there is an allegation that a tenant said a racial slur to another tenant, is it enough that a landlord emailed the harassment claim?

MR. LAZO [1:44:45]: Yeah, thanks, Chang. My hope is that Charles as an attorney will back me up on this with the classic attorney answer, that "it depends," right? And one of the things that it depends on is what is occurring. The underlying part of the fact pattern, though, is that housing providers have a duty to address harassment occurring on their property. [If you go back to the 2016 Final Rule on Harassment, it makes it clear that one of the elements of this is the hostile environment harassment.](#) And it says that, you know, any environment that subjects a person to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the person of the right to use and enjoy the housing. So, the question is what's going on there?

Then there's an interactive process, right? Not only does a housing provider have an obligation to create that environment, they have an obligation to interact in not to create that environment. So it really depends on what the situation is, but I think what these folks have asked here, yes, the housing provider has an obligation to do something and to involve themselves in that process in different ways. So, it really depends on kind of what has happened and what the response has been from the person who is creating the violation, you know, how far along does that process need to go and what does it do to those underlying obligation to create that hostile free environment? So, yeah, there's definitely an obligation at a minimum for the housing provider, and then it really depends on where things go from there.

MR. CHIU [1:46:30]: Great. Thank you, Allan. The next question is for Seema. Seema, I'm directing this one to you because of what you spoke about in your presentation about the con plan in Philadelphia. We all have best practices for engaging with the AANHPI communities around fair housing and in a city's planning. Are there certain fair housing areas that have enforcement actions in or some actions that you can take the best of AANHPI complaints?

MS. AGNANI [1:47:04]: Yeah, so, you know, every city's different, and I think in terms of how to engage communities, we do, of course, back to the main point of my presentation, which was really to partner with organizations that are rooted in local communities I think is the best way to engage. You know, that will lead you to leadership from the community that has earned the trust and will be able to share nuances of what's really happening.

And then, of course, language access is a major piece of it. If you're really looking to engage these communities in a planning process, providing language access, making the investment, you know, and really, building long-term relationships, you know? I think the challenge is often in these processes, it's a one off, okay, we've translated this into one language, and we printed some ads, and you know, we did our job of trying to engage. And that's really not good enough. It's about building longer-term relationships and bringing these communities into the process over the long term. And so, so I really think that is it's going to take time, but it is really about building that trust in the long run.

MR. LAZO [1:48:31]: Chang, can I chime in a second? The other thing I think we're seeing and Seema, I don't know if you're familiar with Portland, and this is probably true in lots of

different areas, that AANHPI communities are experiencing a lot of the same involuntary economic displacement pressures that other communities are, right? So, that's the impetus for us to involve those communities in those processes. Again, there are some real inequities, as we've pointed out, that exist in those communities, particularly economically, and those are folks that are also going to be impacted by that displacement issue. So, yeah, they should be involved as all other communities.

MR. CHIU [1:49:11]: Go ahead, Seema. Sorry to interrupt.

MS. AGNANI [1:49:14]: Just two thoughts. One is a lot of coalitions have emerged as a result of these, the rise in hate incidences. Some of them were civic engagement coalitions recently that have now shifted focus. And so, if groups are looking to engage in this moment that might be a good place to turn to. They've popped up around the country.

And the other thought I had is really, in terms of fair housing enforcement in general, from my experience, when somebody is experiencing displacement, if they're being evicted or they're trying to buy a home in one of these markets where it's nearly impossible to buy a home, that is a difficult time to ask someone to file a complaint and engage in this process, right? Because in this moment, they're more focused on where they're going to live. So, again, what we used to do is encourage people just to document what was happening in those moments and let them get their housing situation settled before they engage in the fair housing process.

MR. CHIU [1:50:26]: Thank you, Seema. And what you said just addressed the next question I was going to ask Allan, but I'd love Allan's thoughts, too. The question was specifically for Allan. How do you incorporate trauma reduction in trauma-informed care practices as well as training in your fair housing work? I would note context to that question, Charles really set this up well when talking about a lot of mental health issues and trauma that the AANHPI community have experienced over the past couple years.

MR. LAZO [1:51:04]: Yeah. Thank you, Chang. And thank you, Charles, for setting that up so well. The impacts are real. My sense is that lots of organizations are doing it, but we really do come from a trauma-informed perspective when we are working with a complainant, meaning our first question to them after we understand what's happening is, "What do you want to see happen?" We don't want to do something that will counter what it is you actually want. So, is it, if you want to get into the place that has maybe denied you or discriminated against you, then we need to figure out that pathway. If you want the harassment to stop or if you want to move, then we want to figure out how to assist you with that.

And for a lot of organizations, I think it can be difficult, because as I said, we don't actually provide housing to folks. And so, we can send folks to other resources, but it makes it difficult when folks are getting passed around. And I think that's where we find so much value in that partnership that we have, that collaboration with Urban League and El Programa and the resources that we're able to bring holistically to folks that are experiencing these issues, right, is we can help kind of holistically take care of what they're

needing at that moment, and then also get to the discrimination or differential treatment issue. Because as Seema alluded to, if you are close to being out on the street, I'm not sure your first priority is to answer my 20 questions about what you're experiencing. So, that's certainly one of the ways we try to make sure that we are not causing further harm to somebody's situation, just because we might want to pursue an investigation.

MR. CHIU [1:52:42]: Thank you, Allan. And I'm going to ask the concluding question and ask all three panelists to address it, because I think it's really important, not just for addressing hate in general, but addressing hate crimes and harassment in the fair housing community. A lot of us come from different backgrounds. We're all committed to the same cause but tried to build bridges between people from different backgrounds. It's part of what we do. I think each of the panelists has expertise and good thoughts on this.

Allan, I want to start with you. And the question is, how can people of color possibly help the community with discrimination and hate related incidents, specifically in relation to housing discrimination? I'll ask Seema for her thoughts and Charles, too, at this point.

MR. LAZO [1:53:43]: Thanks, Chang. I'll go back to kind of the five focus areas. And I think the one I'd bring forward is be intentional and be specific. You know, I think for communities that want to be in allyship with AANHPI communities is to have a good understanding about what they're experiencing. And I think that that sometimes can get lost for everybody outside of those communities. And so, I would ask that folks do the work to understand the impact on communities very specifically and then act very intentionally.

MR. CHIU [1:54:15]: Seema?

MS. AGNANI [1:54:18]: Yeah. Similarly, I think it's taking the time to get to know one another. You know, I think one of the things that we're thinking a lot about is on a neighborhood level, how can we use the arts and other creative ways to encourage cross cultural understanding among these communities. You know, we all have learning to do, and within our own communities, need to address our own bias, but that will only happen through better understanding of each other's histories and culture. And so, I think that it's really important.

Then, of course, again, be inclusive of the Asian American and Pacific Islander communities in your own work, because we often get left out of policy strategies.

MR. CHIU [1:55:13]: And Charles.

MR. EVANS [1:55:16]: Thanks. I think Allan and Seema hit it right on the head. I don't have much to add to their great answers, except maybe to say that in addition to being very intentional and inclusive is just keep in mind that it's not a zero-sum game. We can work together to improve all of these populations that are typically affected by very similar experiences of discrimination and hatred across the board.

MR. CHIU [1:55:44]: Great. Thank you, Charles. And with that, we'll close out the panel discussion. I apologize that we weren't able to get to every question that was asked, and I

hope that the organizers of the forum have some way where we can provide feedback to some of these questions that are outstanding. It's been a pleasure to have this panel answer the questions. It's been a pleasure to moderate the panel. And I will hand it back to Cashauna to wrap up today's forum.

MS. HILL [1:56:13]: Thank you so much, Chang, for moderating today's discussion, and thanks to all of our panelists for such an informative and engaging conversation. [We do hope that all of you in attendance today will join us for our next Forum. Please check out the NFHTA website for a discrimination and important information on registering for upcoming Forums. Please also connect with the National Fair Housing Training Academy on LinkedIn for insights and information about upcoming events, including future forums and courses.](#)

Thanks to everyone who made today's event possible, and a special thank you to our interpreters. Finally, please be on the lookout for a survey, which will pop up when this training ends. The survey will allow you to provide feedback on today's event. Your feedback is critical to improving these forums. It shouldn't take very long to complete the anonymous survey, and we really do value your input.

Thank you again, and we look forward to seeing you on the next NFHTA Forum. Take care.