Chapter 4: Preparing for Successful Advocacy
Prepared for Successful Advocacy

This chapter sets out a checklist to help advocates plan an advocacy strategy to meet the community’s affordable housing needs. It can be used in conjunction with Parts II and III of this manual, which provide detailed information about specific housing plans, including legal authority.

**Step I: Documenting the Demand for and Supply of Affordable Housing in the Community**

There are many arguments advocates can use to support developing more and better affordable housing. For starters, the current supply of affordable housing does not meet the demand for affordable housing. Advocates can also argue that there is insufficient supply for a specific population, that affordable housing is inappropriately segregated by income or race or some other means, or that existing affordable housing is in poor condition. All of these arguments have the potential to influence the planning process, but they are mere allegations unless documented. You need evidence documenting the need for housing to support your advocacy.

Evidence is also important because public-interest advocacy must be grounded in the needs of the community it seeks to serve. Advocates may make assumptions about the community’s needs that are unfounded. Even well-intentioned advocacy based on erroneous assumptions can lead to outcomes that ultimately do not benefit the community. In contrast, a solid understanding of a community’s housing needs gives credibility to advocacy. Armed with the facts, the advocate may be able to correct inaccurate assumptions that will inevitably be made by government or by affordable housing opponents. Credibility is power that can result in more effective advocacy. Therefore, advocacy for affordable housing should begin with an assessment of the community’s affordable housing needs.
A. **Conducting an Affordable Housing Assessment**

An assessment describes what housing the community has and what housing the community needs. In addition, it analyzes the housing trends in the community—that is, how housing is changing over time. It’s also helpful to compare your community to other communities and to the State as a whole to highlight disparities.

It may be beneficial to assess specific categories of information to facilitate comparisons between communities and neighborhoods; for example, advocates could categorize housing by whether it is owner or renter-occupied, the age of the housing, and income levels of the residents. Before starting the research, use the Local Housing Analysis in Appendix A to identify issues that are prevalent in the community. After these issues are identified, use the “Sources of Housing Data and Analyses” available in Appendix B to ascertain what sources may be available to define the problem. Many of these web sources will already have done some of the work.

B. **Evaluating the Need for Affordable Housing**

Successful advocacy requires more than raw data. To translate the data into a representation of what the community needs, advocates must first evaluate the data. Compare the number of people in various categories to the number of housing units available for them to live in. Ask the following questions: (1) Are there enough multi-bedroom units for families? (2) Where do people live? (3) Is the community segregated by race, income, disability status or another category? (4) What are vacancy rates for various types of housing, and how do they compare to the rest of the State, and how do they compare to similar or adjacent areas? If vacancy rates are lower than

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**Advocacy Tip:**

*Advocating for Whose Interests?* When conducting policy advocacy, define for whom you are advocating. Defining the population focuses advocacy and helps advocates to evaluate whom to partner with and what strategies to use. Define your focus by the following factors:

- Geography
- Income Levels
- Identifying Characteristics
  - Age, race, gender, gender identity, families with children, people with disabilities, Limited English Proficient people, immigrants, etc.
- Other Criteria
elsewhere or rents are higher than similar areas, it suggests there is insufficient housing to meet demand.

Identifying need is more than data analysis. Talk to people in the community who are knowledgeable about housing issues and get their opinions. Talk to people providing services to the homeless at shelters, food banks, or other agencies. People often can articulate what they need better than the data alone. There are many people who can inform your opinion about the community's need for affordable housing.

Advocacy Tip:
Many people in the community can provide information about the local need for affordable housing. Consider talking to:

- Current residents and people in need of affordable housing, especially those with special needs:
  - People with physical or mental disabilities
  - Extremely low-income tenants
  - Low-income homeowners
  - People who are homeless
  - Farmworkers
  - Emancipated foster youth
  - Large families
  - Seniors
  - People re-entering the community after incarceration

- Community institutions whose members need affordable housing
  - Churches
  - Schools
  - Unions
  - Food Banks
  - Free or low-cost medical clinics
  - Community organizations
  - Affordable housing providers
  - For profit developers & management companies
  - Non-profit developers & management companies
  - Shelters (domestic violence, homeless, etc.)
  - Transitional and supportive housing providers

- Affordable housing advocates
  - Tenant organizers and leaders
  - Legal services attorneys

- Investors in affordable housing
A visual survey of the community is another way to identify housing issues. A visual survey involves simply walking through the community and looking at housing where it is located—or planned to be located. Non-profit developers can be especially helpful in assisting advocates to identify zoning, topographical and other issues that may affect the feasibility of affordable housing development or rehabilitation of existing housing. For example, land that is adjacent to industrial or commercial uses may not be properly zoned for housing or may pose health risks to potential residents. Housing that is remote from services and jobs will make it difficult for residents to succeed without access to reliable public transportation. Other factors may deter rehabilitation of existing housing, such as lead-based paint. Visual surveys also can be used to determine whether housing appears to be overcrowded, uninhabitable or in need of code enforcement.

Step II: Identifying the Plan and Responsible Agency

Effective participation in the planning process requires an understanding of which plans affect the problems you want to address. Identify your opportunities and know what to do with them. First, determine which plan or plans need attention.

It often requires some digging to identify instances where a planning issue is negatively impacting the community. For instance, an advocate may have four clients who are being evicted from the same building. Through investigation, the advocate learns that the evictions are proceeding because the landlord plans to demolish the building and develop the land as a strip mall. The demolition and development may be part of the local government’s plan to redevelop the area. By identifying this action as a city project, advocates can assert legal protections for their clients, such as relocation and priority for replacement affordable housing. Advocates may be able to stop the demolition if proper public participation and financial planning, monitoring and enforcement procedures were not followed. Advocates may want to work with others to advocate for an amendment to the plan that would protect existing housing in the area. Thus, advocates can use the plan and the planning process to achieve positive outcomes—but first, the plan must be identified.

The easiest way to identify the plan is to determine which government agency is involved. Go online to the city’s website to review agendas for the planning commission and board of supervisors or city council meetings related to the location. Meeting notices related to development may be posted on a nearby telephone pole or in a library, or mailed to the advocate’s office. These notices will tell you which agency is involved in the planning process. See Chapter 2, Box 2 for a list of agencies or bodies and the type of plans they may be involved in.
Once the lead agency—the agency with primary responsibility for the planning process—is identified, the lead agency’s website can provide a wealth of information. Usually there is a calendar to show upcoming community meetings. Attending the meeting is a great way to find out what’s going on with the project and who is involved. Submit written comments addressing the concerns of your client community. Ask a question during public comment, or get to know an agency staffer to gather information and obtain necessary documents, such as staff reports. These websites often have planning documents, agendas and meeting minutes. You can call the local agency office and ask if there is an ongoing planning project or an upcoming hearing or meeting.

Another way to learn of ongoing plans is to contact local elected representatives and speak to the staff person in charge of housing issues. Local elected officials may include:

- City councilperson
- County supervisor
- State assemblyperson
- State senator
- Neighborhood councilperson

Step III: Understanding the Planning Process

Every plan has a process. Understanding the planning process helps advocates determine what steps already have been taken and what is coming up next. Locate the documents that need to be reviewed and determine how much time is needed to develop and implement an advocacy strategy. By knowing the steps in the planning process, advocates can identify advocacy opportunities—points where your involvement can make a difference in determining the outcome of the plan.

In drafting and adopting a plan, the formal public participation process could include:

- **Pre-drafting**: Planning agency may hold public meetings and workshops to get community input on what should go in the initial draft.
- **Draft review**: Planning agency may hold public meetings to solicit

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While there are similarities in the processes for various plans, there are important differences in timing and deadlines. To determine which stage of the process the plan is in, review the Manual chapter that covers the type of plan being reviewed.1

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1 Part II of the Manual focuses on state planning processes; Chapter 7 discusses Housing Elements, which are part of the General Plan. Chapter 8 discusses Redevelopment and Chapter 9 discusses Relocation Plans. Part III of the Manual, Chapters 10-16, covers federal planning processes.
community input and feedback on an initial draft before it is submitted for the legally required public hearing process.

- **Public hearing**: Planning agency will hold formal public hearing(s) to receive oral and written comment on the draft.

- **Written comments**: These must be submitted prior to the published deadline.

- **Agency response to public comment**: Planning agency may revise drafts based on oral and written comments and:
  
  - Submit the revised draft for public comment; and/or
  - Propose another public hearing; or
  - Issue answers to specific oral and written comments.

- **Agency adopts final plan.**

A. **Compile and Review the Planning Documents**

At most steps in the planning process, the planning agency produces various drafts, charts, maps and other documentation. Compile and review the existing documentation. To determine what documents might already exist in the planning process, review the Manual chapter that covers the type of plan being reviewed.

**Advocacy Tip:**

*Where Can You Get Copies of Planning Documents?*

- Obtain copies from planning agency staff
- View the planning agency’s website
- Visit the local public library
- Contact the elected representative’s office
- Contact other community members active in planning process
- Utilize the California Public Records Act or Freedom of Information Act

Getting copies of the documents may be the easy part. While not rocket science, planning documents can be a confusing mix of complex legal terms and excruciating detail. With no experience or access to objective, easily understandable sources of information, reviewing these plans can be frustrating. Below is a list of resources that can help you focus and orient your review of planning documents and your participation in the planning process.
B. **Who are the Decision-Makers?**

Usually plans incorporate several public processes, including hearings before advisory bodies that may not have actual power to decide whether to implement the plan. After that process, the plan is presented to the decision-making bodies that have approval or veto power over the plan. Moreover, plans that authorize development may require zoning changes or variances that require a separate process to implement. Actual developments also may require zoning changes, environmental review, variances or permits. All these steps have hearing processes and must be approved by decision-making bodies. Decision-making bodies could include:

- City council
- County board of supervisors
- Planning commission
- Zoning board
- Successors to Redevelopment Agencies
- Housing authority
- Project area committee

At first glance, it appears that the decision-makers have all of the power. They are the people who adopt and amend the plan and formulate how it will be implemented. However, the power of the decision-makers is confined to that which is given by law. Therefore, the people with the ability to enforce the law, legal services advocates, housing attorneys and advocates, developers, and residents and resident coalitions, are in a powerful position to stop the adoption, amendment or implementation of an illegal plan.

Decision-makers can be influenced by grassroots advocacy or threat of litigation. It may be faster to work with the decision-makers to adopt an amendment to the plan than to file a lawsuit seeking a court order in order to later force the amendment after winning a lawsuit. Accordingly, it is imperative for advocates to analyze and become engaged with the power structure of the decision-making body to achieve desired results.

C. **What Advocacy Strategy Will Influence the Decision-Makers?**

The chosen advocacy strategies will depend upon:

- The results sought;
- The type of plan the advocate is trying to influence;
- The timing of the planning process; and
- The strategies most likely to influence the decision-makers.
1. Determining How to Influence the Decision-Maker

To choose which strategy is most likely to influence a decision-maker, advocates first must understand how the decision-maker can be influenced and what power exists to influence her. For purposes of this discussion, the decision-maker we seek to influence is called the “target.”

Usually, the law is the most powerful tool we can use to influence decision-makers. The advocate must first determine whether the law supports the desired outcome. If the law supports your goal, it provides leverage in discussions with decision-makers. Regardless of whether legal action ultimately can be used to obtain the desired outcome, advocates should explore informal ways to achieve their goal; these avenues are often faster and allow for creative solutions to a complex problem.

In mapping out a strategy to achieve the desired outcome, the advocate must determine who has power over the decision-maker and how she can be influenced. This approach results in layers of targets. First, there is the primary target who makes the final decision, such as a city councilperson. Campaign donors and voters are likely to influence the councilperson. Well-financed community groups or business organizations may have sway over councilmembers and influence key planning decisions. The question then becomes, “Can I influence the people who influence the ultimate target?” As a result, we have multiple layers of targets.

- Primary target: Final decision-maker; person who can give you what you want
- Secondary target: Influences primary target and can help get what you want
- Tertiary target: Influences the secondary target

There are many strategies used for influencing targets. To affect the primary target, advocates must understand the target’s self-interests, and possibly the secondary and tertiary targets’ self-interest. Most importantly, we must understand our own power to affect the target. While we can compel compliance with applicable laws, some organizations and advocates may also find it necessary to conduct a “power analysis” of the target’s self-interests to be truly effective. The power analysis also may need to consider the interests of the secondary and tertiary targets. See Appendix C for more information about conducting a power analysis of potential targets.
Step IV: Choosing Your Advocacy Strategies

There are two phases of advocacy during the planning process: 1) plan drafting and adoption; and 2) plan implementation. Advocacy during the drafting and adoption phase seeks to ensure that the plan accurately addresses present and future affordable housing needs. The public hearing and comment process during drafting and planning provide opportunities for affordable housing advocacy.

Good plans by themselves, however, do not result in plentiful affordable housing. Good plans often are not implemented. Sometimes plans are not implemented because the advocates who helped develop the plan have moved on and are not monitoring its implementation. With no one to take the advocate’s place, the agency is left to implement the plan according to its own goals. Without monitoring and enforcement, a good plan is just an academic exercise. Advocating
during implementation will maximize the impact of a good plan or minimize the negative impact of a bad plan.

**Advocacy Strategies in the Planning Process**

Within formal public participation processes, advocates should employ a multi-prong approach including:

- Oral testimony at public hearings/meetings;
- Written testimony at public hearings;
- Meeting with decision-makers outside of the public process;
- Election or appointment to the planning body;
- Participation on a working group; and
- Drafting proposed sections or programs of the plan.

Outside the formal public participation process, advocates can influence the process through:

- Media campaigns;
- Letter writing or phone calls;
- Non-violent direct action;
- Organizing;
- Litigation;
- Ballot initiatives; and
- Negotiation.

**A. Testimony at a Public Hearing or Meeting**

Public hearings or public meetings are forums initiated by government agencies, commissions and elected bodies to convey information to and elicit input from the general public. At such meetings there normally is an opportunity for the public to comment on each agenda item as well as non-agenda items. These hearings and meetings are advocacy opportunities because they provide a forum to educate and persuade decision-makers, and to generate public support for the advocates’ positions.

**1. Working With Stakeholders With Shared Self-Interests**

Our advocacy can be more powerful when done in partnership with others that share our interests. Based on the stakeholder power analysis, identify and enlist allies who can help the

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2 Cal. Gov’t Code §54954.3 (2016).
advocacy effort. These allies may include friendly decision-makers, like city councilmembers, that support your advocacy interests. Working with other stakeholders can provide a variety of benefits:

- Promote additional influence over decision-makers;
- Share the research, writing, meeting and testifying workload;
- Expand areas of expertise; and
- Ensure that your efforts serve the community.

2. Knowing What is on the Agenda

In general, California’s Open Meetings Act, known as the “Brown Act,” requires that an agenda be prepared and publicly available 72 hours before a regular meeting and 24 hours before a special meeting.\(^3\) Agendas usually are available on the agency, commission or elected bodies’ websites. They also can be obtained at the city or county clerk’s office or at the relevant government office, such as the planning or housing department. The agendas also may be posted in a variety of public places, such as city hall, the local library or other public facilities.

3. Getting Your Issue on the Agenda

Usually, someone on the committee hosting the meeting proposes an item for the agenda. Planning or housing staff, legislators or the public may also propose agenda items. The agenda items must be submitted with a certain amount of notice. (See substantive chapters for each specific planning process.) Ask a friendly decision-maker or staff person to submit your item for the agenda.

4. Obtaining Minutes, Resolutions and Other Documents From Prior Meetings

The agency or body holding the hearing or meeting prepares notes or minutes of each meeting. While some of the content of the meeting, and thus the minutes of that meeting, are confidential because they may include litigation, personnel or other confidential matters, most of the contents should be available as public documents.\(^4\) In addition, there are usually draft plans, maps, charts and other documents available as handouts for each meeting. Get copies and review everything relevant that has happened in the past. Make sure to keep a record of how, when and where you obtained each document.

To get copies, some advocates utilize the agency, commission or elected body’s website where they can upload copies of minutes and meeting documents. You also may be able to directly call

\(^3\) Id. §§54954.2, 54956.
the representative of the agency, commission or elected body hosting the hearing or meeting and ask for a copy of prior meeting minutes and documents. Usually, it is better to speak with a clerk or someone responsible for meeting logistics and not the policy makers themselves. The public is also entitled to review any existing video or audio recording of public sessions.5

5. Getting Copies of Documents Relevant to the Upcoming Meeting

Once an agenda item is identified, it is crucial to obtain and review any supporting documentation, including staff reports. This information is sent to the public body in preparation for the meeting and must be available to the public. Often, documentation such as staff reports will provide crucial information about the thought process behind the agenda item, including resolutions proposed by staff. The staff reports and other documentation may be available on the governing body’s website or can be obtained at the city or county clerk’s office, or the relevant government office.

6. Testifying for the Record

The purpose of oral and written testimony at a hearing or meeting is to influence decision-makers and to get issues into the record to preserve them for potential litigation. This is called “exhausting your administrative remedies.” Before pursuing litigation, someone must first exhaust the available administrative arenas in which the problem could have been solved—e.g., the city council meeting. In most instances, only issues that were brought up and not resolved successfully in those administrative arenas may be raised in subsequent litigation.

Note that several items may be bundled into a single agenda item called the consent calendar and resolved with one single action. Any issue on the consent calendar must be “pulled” in order to make public comment on it. Advocates can request that the local legislator pull the item, or complete a form prior to the meeting, asking that it be opened up for public hearing and public comment.

Oral Testimony. Before the public hearing, advocates should meet with allies to agree upon testimony, organize presentations and recruit attendee turnout. Take time to write out points ahead of time. If the goal is to persuade decision-makers at the hearing, limit advocacy to three or fewer key points. Anything more than that is difficult to follow and can be covered in written comments submitted prior to the hearing.

Often speaker time is limited. In such cases, recruit enough speakers so that together you can cover your position. Often one speaker can assign her minutes to another speaker. This is a way

5 Id. §54953.5.
to increase the per speaker time limit. If it isn’t possible to assign minutes to another speaker, coordinate the comments in such a manner that each speaker covers a different topic and supports the overall argument. To protect the record, all oral testimony should also be presented in written comments—oral testimony is used to persuade and supplement the written comments.

Choose speakers who are most likely to influence the decision-makers. Consider whether the decision-maker will be most likely influenced by speakers from certain ethnic groups or neighborhoods, or by such factors as a speaker’s prominence in the community or because of being a non-traditional ally. For example, a decision-maker may take notice of law enforcement or business leaders. Try to identify community members who can speak about the impact the decision will have on their family or community.

If the advocacy strategy is not focused on persuading this set of decision-makers and the chief intent is to exhaust administrative remedies and preserve the arguments for the record, oral testimony is less important. However, by appearing at the hearing, advocates can elevate their power of persuasion by advising the local body of potential illegalities and the ramifications of its decisions. Use this opportunity to highlight arguments with simple and straightforward data that supports your position. Simple charts and maps are very persuasive to policy makers. Charts and maps focus their attention and can frame the debate around your presentation of the problem.

**Advocacy Tip:**
Submit detailed written comments prior to the hearing and then summarize key points in your oral testimony. It is unwise to trust recordings or transcriptions to accurately convey your testimony. In addition, transcribed oral testimony can be difficult to follow, especially when it is interrupted by questions. It is easy to forget key points and rush through some points. To make your oral testimony effective and comprehensive, write a succinct, clear statement that outlines the key points in your written comments.

**Written Testimony.** In general, written testimony is most persuasive when it is easy to read and simply organized. The easier it is to read, the more likely it is to be understood. Many decision-makers are unwilling to read through long and complicated comments. Write simple declarative sentences, supported by fact or law, underlining headings for key paragraphs and converting lists into bullet points. (See Appendix E for sample comment letters.)

Data portrayed in charts and maps is more persuasive than text. Support arguments with charts and maps, as long as they are easy to understand. Complex charts and maps may be worse than
submitting nothing at all. Refer to Chapter 5 and the data sources in Appendix B for help in creating meaningful maps.

Decision-makers may be more easily persuaded by comments from a variety of stakeholders, especially if they are influential in the community. To help other stakeholders make effective comments, provide a sample comment letter that other organizations and individuals can use to submit their own comments. If litigation becomes necessary, all testimony, whether verbal or written, becomes part of the record.

Meet with decision-makers prior to the hearing. Sometime before the meeting, meet with the decision-makers you seek to influence. Decision-makers rarely change their positions at a public meeting. To get decision-makers to adopt the position being advocated, it is essential to convince them to take this position before the public meeting. For tips on conducting private meetings, see Appendix D.

B. Direct Membership on Appointed or Elected Planning Bodies

Advocates can influence planning outcomes from the inside by seeking appointment to planning bodies or advisory committees or by running for elected positions. Planning decision-makers hold elected and appointed positions. Some campaigns for elected positions, such as the city council, can be hotly contested and expensive. Still, advocates or allies may be able to compete for these seats. Elections for other committees may be much less competitive and accessible to advocates who cannot afford an expensive campaign. Affordable housing advocates and their allies should strongly consider running for these positions.

C. Participate on a Working Group

Planning bodies often create working groups to help create drafts or recommendations for development of a plan. These working groups can greatly influence the ultimate content of the plan. Unfortunately, some decision-makers create working groups to divert unwanted stakeholder participation in the process. While the stakeholders get fully invested and occupied in developing the working group proposal, the decision-makers move forward without the stakeholders and with no intention of adopting the working group proposal. With this in mind, examine the composition of the working group. Does it represent a diverse group of stakeholder interests, including those of the ultimate decision-maker? If yes, it is more likely to be a valuable working group. If the working group includes mostly outsiders, proceed with caution as participation in the group may not be worth the time.
D. Additional Strategies Outside the Formal Planning Process

Sometimes the most effective way to shape a plan is through advocacy outside of the formal process, resulting in a more direct appeal to the decision-maker’s self-interest. While not strictly planning-related strategies, the following is a list of strategies that may be effective in influencing decision-makers:

**Media campaigns.** Media campaigns can include press releases, giving interviews to reporters, facilitating media interviews for your clients or other stakeholders, writing letters to the editor, sending opinions to local newspapers or if possible, meeting with the editorial board of the paper to get a favorable editorial. Consider written media as well as local television stations.

**Contact local legislators.** Writing letters or making phone calls to local legislators who are decision-makers or have influence over decision-makers may further advocacy efforts.

**Nonviolent Direct Action.** Actions can include providing local legislators and members of the opposition with tours of impacted neighborhoods and successful affordable housing projects. Community groups may consider demonstrations, boycotts and distribution of leaflets. Litigation also may be a successful method to directly attack local policies affecting affordable housing.

**Ballot Initiatives.** Often, the votes of decision-makers do not reflect the actual will of the constituents in the community. In such cases, sponsoring a successful ballot initiative may achieve the desired results without having to navigate the local legislative process. A ballot initiative allows citizens to bypass the legislative body and go straight to the public. The process requires the proponent to obtain an official title and summary of the proposed initiative from the Attorney General and then gather a requisite number of signatures from registered voters who support the initiative. A second method, the indirect initiative process, allows a citizen to appeal directly to the Legislature in order to place a measure on the ballot.

**Negotiating “Community Benefits” Agreements.** A Community Benefits Agreement is a legally enforceable contract negotiated between community groups and a developer, setting forth a range of community benefits that the developer agrees to provide as part of a development project in exchange for community support for the project.\(^6\) See Appendix E for a sample Community Benefits Agreement.

\(^6\) For more information on Community Benefits Agreements, see [http://www.goodjobsfirst.org/sites/default/files/docs/pdf/cba2005final.pdf](http://www.goodjobsfirst.org/sites/default/files/docs/pdf/cba2005final.pdf) or [http://www.saje.net/site/c.hkLQJcMUKrH/b.2315801/k.9080/Figueroa_Corridor_Coalition.htm](http://www.saje.net/site/c.hkLQJcMUKrH/b.2315801/k.9080/Figueroa_Corridor_Coalition.htm).
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